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PAPERS

RELATING TO

THE FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS WITH THE ANNUAL MESSAGE
OF THE PRESIDENT,

DECEMBER 2, 1872,

PRECEDED BY A

SYNOPTICAL LIST OF PAPERS AND FOLLOWED BY AN ALPHABETICAL INDEX OF PERSONS AND SUBJECTS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1873.



MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES.

To the Senate and House of Representatives :

In transmitting to you this, my fourth annual message, it is with thankfulness to the Giver of all good that, as a nation, we have been blessed for the past year with peace at home, peace abroad, and a general prosperity vouchsafed to but few peoples.

With the exception of the recent devastating fire which swept from the earth with a breath, as it were, millions of accumulated wealth in the city of Boston, there has been no overshadowing calamity within the year to record. It is gratifying to note how, like their fellow-citizens of the city of Chicago, under similar circumstances a year earlier, the citizens of Boston are rallying under their misfortunes, and the prospect that their energy and perseverance will overcome all obstacles, and show the same prosperity soon that they would had no disaster befallen them. Otherwise we have been free from pestilence, war, and calamities, which often overtake nations; and, as far as human judgment can penetrate the future, no cause seems to exist to threaten our present peace.

When Congress adjourned in June last a question had been raised by Great Britain, and was then pending, which for a time seriously imperiled the settlement by friendly arbitration of the grave differences between this Government and that of Her Britannic Majesty, which by the treaty of Washington had been referred to the tribunal of arbitration which had met at Geneva, in Switzerland.

The arbitrators, however, disposed of the question which had jeopardized the whole of the treaty, and threatened to involve the two nations in most unhappy relations toward each other, in a manner entirely satisfactory to this Government, and in accordance with the views and the policy which it had maintained.

The tribunal, which had convened at Geneva in December, concluded its laborious session on the 14th day of September last, on which day, having availed itself of the discretionary power given to it by the treaty to award a sum in gross, it made its decision, whereby it awarded the sum of fifteen millions five hundred thousand dollars in gold, as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to its consideration.

This decision happily disposes of a long-standing difference between the two governments, and, in connection with another award made by the German Emperor, under a reference to him by the same treaty, leaves these two governments without a shadow upon the friendly relations which it is my sincere hope may forever remain equally unclouded.

The report of the agent of the United States appointed to attend the Geneva tribunal, accompanied by the protocols of the proceedings of the arbitrators, the arguments of the counsel of both governments, the award of the tribunal, and the opinions given by the several arbitrators, is transmitted herewith.

I have caused to be communicated, to the heads of the three friendly powers who complied with the joint request made to them under the treaty, the thanks of this Government for the appointment of arbitrators made by them respectively, and also my thanks to the eminent personages named by them, and my appreciation of the dignity, patience, impartiality, and great ability with which they discharged their arduous and high functions.

Her Majesty's government has communicated to me the appreciation by Her Majesty of the ability and indefatigable industry displayed by Mr. Adams, the arbitrator named on the part of this Government, during the protracted inquiries and discussions of the tribunal. I cordially unite with Her Majesty in this appreciation.

It is due to the agent of the United States before the tribunal to record my high appreciation of the marked ability, unwearied patience, and the prudence and discretion with which he has conducted the very responsible and delicate duties committed to him, as it is also due to the learned and eminent counsel who attended the tribunal on the part of this Government, to express my sense of the talents and wisdom which they brought to bear in the attainment of the result so happily reached.

It will be the province of Congress to provide for the distribution, among those who may be entitled to it, of their respective shares of the money to be paid. Although the sum awarded is not payable until a year from the date of the award, it is deemed advisable that no time be lost in making a proper examination of the several cases in which indemnification may be due. I consequently recommend the creation of a board of commissioners for the purpose.

By the thirty-fourth article of the treaty of Washington the respective claims of the United States and of Great Britain, in their construction of the treaty of the 15th of June, 1846, defining the boundary-line between their respective territories, were submitted to the arbitration and award of His Majesty the Emperor of Germany, to decide which of those claims is most in accordance with the true interpretation of the treaty of 1846.

His Majesty the Emperor of Germany, having been pleased to undertake the arbitration, has the earnest thanks of this Government and

of the people of the United States for the labor, pains, and care which he has devoted to the consideration of this long-pending difference. I have caused an expression of my thanks to be communicated to His Majesty. Mr. Bancroft, the representative of this Government at Berlin, conducted the case, and prepared the statement on the part of the United States, with the ability that his past services justified the public in expecting at his hands. As a member of the Cabinet at the date of the treaty which has given rise to the discussion between the two Governments, as the minister to Great Britain when the construction now pronounced unfounded was first advanced, and as the agent and representative of the Government to present the case and to receive the award, he has been associated with the question in all of its phases, and in every stage has manifested a patriotic zeal and earnestness in maintenance of the claim of the United States. He is entitled to much credit for the success which has attended the submission.

After a patient investigation of the case and of the statements of each party, His Majesty the Emperor, on the 21st day of October last, signed his award in writing, decreeing that the claim of the Government of the United States, that the boundary-line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel, is most in accordance with the true interpretation of the treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States.

Copies of the "case" presented on behalf of each government, and of the "statement in reply" of each, and a translation of the award, are transmitted herewith.

This award confirms the United States in their claim to the important archipelago of islands lying between the continent and Vancouver's Island, which for more than twenty-six years (ever since the ratification of the treaty) Great Britain has contested, and leaves us, for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent.

It is my grateful duty to acknowledge the prompt, spontaneous action of Her Majesty's government in giving effect to the award. In anticipation of any request from this Government, and before the reception in the United States of the award signed by the Emperor, Her Majesty had given instructions for the removal of her troops which had been stationed there, and for the cessation of all exercise or claim of jurisdiction, so as to leave the United States in the exclusive possession of the lately disputed territory. I am gratified to be able to announce that the orders for the removal of the troops have been executed, and that the military joint occupation of San Juan has ceased. The islands are now in the exclusive possession of the United States.

It now becomes necessary to complete the survey and determination of that portion of the boundary-line (through the Haro Channel) upon

which the commission which determined the remaining part of the line were unable to agree. I recommend the appointment of a commission to act jointly with one which may be named by Her Majesty for that purpose.

Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory, and its settlement by those owing allegiance to the respective governments, points to the importance of establishing, by natural objects or other monuments, the actual line between the territory acquired by purchase from Russia and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbors may again array the two governments in antagonism. I therefore recommend the appointment of a commission, to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our territory of Alaska and the conterminous possessions of Great Britain.

In my last annual message I recommended the legislation necessary on the part of the United States to bring into operation the articles of the treaty of Washington, of May 8, 1871, relating to the fisheries, and to other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions.

That legislation on the part of Great Britain and its possessions had not then been had, and during the session of Congress a question was raised which for the time raised a doubt whether any action by Congress in the direction indicated would become important. This question has since been disposed of, and I have received notice that the Imperial Parliament and the legislatures of the provincial governments have passed laws to carry the provisions of the treaty on the matters referred to into operation. I therefore recommend your early adoption of the legislation in the same direction necessary on the part of this Government.

The joint commission for determining the boundary-line between the United States and the British possessions, between the Lake of the Woods and the Rocky Mountains, has organized and entered upon its work. It is desirable that the force be increased in order that the completion of the survey and determination of the line may be the sooner attained. To this end I recommend that a sufficient appropriation be made.

With France, our earliest ally; Russia, the constant and steady friend of the United States; Germany, with whose government and people we have so many causes of friendship and so many common sympathies,

and the other powers of Europe, our relations are maintained on the most friendly terms.

Since my last annual message the exchange has been made of the ratifications of a treaty with the Austro-Hungarian empire, relating to naturalization; also of a treaty with the German empire respecting consuls and trade-marks; also of a treaty with Sweden and Norway relating to naturalization; all of which treaties have been duly proclaimed:

Congress, at its last session, having made an appropriation to defray the expense of commissioners on the part of the United States to the International Statistical Congress at St. Petersburg, the persons appointed in that character proceeded to their destination and attended the sessions of the congress. Their report shall in due season be laid before you. This congress meets at intervals of about three years, and has held its sessions in several of the countries of Europe. I submit to your consideration the propriety of extending an invitation to the congress to hold its next meeting in the United States. The Centennial celebration to be held in 1876 would afford an appropriate occasion for such meeting.

Preparations are making for the International Exposition to be held during the next year in Vienna, on a scale of very great magnitude. The tendency of these expositions is in the direction of advanced civilization, and of the elevation of industry and of labor, and of the increase of human happiness, as well as of greater intercourse and good will between nations. As this exposition is to be the first which will have been held in Eastern Europe, it is believed that American inventors and manufacturers will be ready to avail themselves of the opportunity for the presentation of their productions if encouraged by proper aid and protection.

At the last session of Congress, authority was given for the appointment of one or more agents to represent this Government at the exposition. The authority thus given has been exercised; but, in the absence of any appropriation, there is danger that the important benefits which the occasion offers will, in a large degree, be lost to citizens of the United States. I commend the subject strongly to your consideration, and recommend that an adequate appropriation be made for the purpose.

To further aid American exhibitors at the Vienna Exposition I would recommend, in addition to an appropriation of money, that the Secretary of the Navy be authorized to fit up two naval vessels to transport between our Atlantic cities and Trieste, or the most convenient port to Vienna, and back, their articles for exhibition.

Since your last session the President of the Mexican Republic, distinguished by his high character, and by his services to his country, has died. His temporary successor has now been elected with great unanimity by the people, a proof of confidence on their part in his patriotism

and wisdom, which it is believed will be confirmed by the results of his administration. It is particularly desirable that nothing should be left undone by the government of either republic to strengthen their relations as neighbors and friends.

It is much to be regretted that many lawless acts continue to disturb the quiet of the settlements on the border between our territory and that of Mexico, and that complaints of wrongs to American citizens in various parts of the country are made. The revolutionary condition in which the neighboring republic has so long been involved, has in some degree contributed to this disturbance. It is to be hoped that with a more settled rule of order through the republic, which may be expected from the present government, the acts of which just complaint is made will cease.

The proceedings of the commission under the convention with Mexico of the 4th of July, 1868, on the subject of claims, have unfortunately been checked by an obstacle, for the removal of which measures have been taken by the two governments which it is believed will prove successful.

The commissioners appointed, pursuant to the joint resolution of Congress of the 7th of May last, to inquire into depredations on the Texan frontier, have diligently made investigations in that quarter. Their report upon the subject will be communicated to you. Their researches were necessarily incomplete, partly on account of the limited appropriation made by Congress. Mexico, on the part of that government, has appointed a similar commission to investigate these outrages. It is not announced officially, but the press of that country states that the fullest investigation is desired, and that the co-operation of all parties concerned is invited to secure that end. I therefore recommend that a special appropriation be made at the earliest day practicable, to enable the commissioners on the part of the United States to return to their labors without delay.

It is with regret that I have again to announce a continuance of the disturbed condition of the island of Cuba. No advance toward the pacification of the discontented part of the population has been made. While the insurrection has gained no advantages and exhibits no more of the elements of power or of the prospects of ultimate success than were exhibited a year ago, Spain, on the other hand, has not succeeded in its repression, and the parties stand apparently in the same relative attitude which they have occupied for a long time past.

This contest has lasted now for more than four years. Were its scene at a distance from our neighborhood, we might be indifferent to its result, although humanity could not be unmoved by many of its incidents wherever they might occur. It is, however, at our door.

I cannot doubt that the continued maintenance of slavery in Cuba is among the strongest inducements to the continuance of this strife. A terrible wrong is the natural cause of a terrible evil. The abolition of

slavery, and the introduction of other reforms in the administration or government in Cuba, could not fail to advance the restoration of peace and order. It is greatly to be hoped that the present liberal government of Spain will voluntarily adopt this view.

The law of emancipation, which was passed more than two years since, has remained unexecuted in the absence of regulations for its enforcement. It was but a feeble step toward emancipation, but it was the recognition of right, and was hailed as such, and exhibited Spain in harmony with sentiments of humanity and of justice, and in sympathy with the other powers of the Christian and civilized world.

Within the past few weeks the regulations for carrying out the law of emancipation have been announced, giving evidence of the sincerity of intention of the present government to carry into effect the law of 1870. I have not failed to urge the consideration of the wisdom, the policy, and the justice of a more effective system for the abolition of the great evil which oppresses a race, and continues a bloody and destructive contest close to our border, as well as the expediency and the justice of conceding reforms of which the propriety is not questioned.

Deeply impressed with the conviction that the continuance of slavery is one of the most active causes of the continuance of the unhappy condition in Cuba, I regret to believe that citizens of the United States, or those claiming to be such, are large holders in Cuba of what is there claimed as property, but which is forbidden and denounced by the laws of the United States. They are thus, in defiance of the spirit of our own laws, contributing to the continuance of this distressing and sickening contest. In my last annual message I referred to this subject, and I again recommend such legislation as may be proper to denounce, and, if not prevent, at least to discourage American citizens from holding or dealing in slaves.

It is gratifying to announce that the ratifications of the convention concluded under the auspices of this Government, between Spain on the one part, and the allied republics of the Pacific on the other, providing for an armistice, have been exchanged. A copy of the instrument is herewith submitted. It is hoped that this may be followed by a permanent peace between the same parties.

The differences which at one time threatened the maintenance of peace between Brazil and the Argentine Republic, it is hoped are in the way of satisfactory adjustment.

With these states, as with the republics of Central and of South America, we continue to maintain the most friendly relations.

It is with regret, however, I announce that the government of Venezuela has made no further payments on account of the awards under the convention of the 25th of April, 1866. That republic is understood to be now almost, if not quite, tranquilized. It is hoped, therefore, that it will lose no time in providing for the unpaid balance of its debt to the United States, which, having originated in injuries to our citizens by

Venezuelan authorities, and having been acknowledged, pursuant to a treaty, in the most solemn form known among nations, would seem to deserve a preference over debts of a different origin and contracted in a different manner. This subject is again recommended to the attention of Congress for such action as may be deemed proper.

• Our treaty relations with Japan remain unchanged. An imposing embassy from that interesting and progressive nation visited this country during the year that is passing; but being unprovided with powers for the signing of a convention in this country, no conclusion in that direction was reached. It is hoped, however, that the interchange of opinions which took place during their stay in this country has led to a mutual appreciation of the interests which may be promoted when the revision of the existing treaty shall be undertaken.

In this connection I renew my recommendation of one year ago, that, "to give importance and to add to the efficiency of our diplomatic relations with Japan and China, and to further aid in retaining the good opinion of those peoples, and to secure to the United States its share of the commerce destined to flow between those nations and the balance of the commercial world, an appropriation be made to support at least four American youths in each of those countries, to serve as a part of the official family of our ministers there. Our representatives would not even then be placed upon an equality with the representatives of Great Britain and of some other powers. As now situated, our representatives in Japan and China have to depend, for interpreters and translators, upon natives of those countries, who know our language imperfectly, or procure for the occasion the services of employés in foreign business-houses, or the interpreters to other foreign ministers."

I renew the recommendation made on a previous occasion, of the transfer to the Department of the Interior, to which they seem more appropriately to belong, of all the powers and duties in relation to the Territories with which the Department of State is now charged by law or by custom.

Congress, from the beginning of the Government, has wisely made provision for the relief of distressed seamen in foreign countries. No similar provision, however, has hitherto been made for the relief of citizens in distress abroad, other than seamen. It is understood to be customary with other governments to authorize consuls to extend such relief to their citizens or subjects in certain cases. A similar authority, and an appropriation to carry it into effect, are recommended in the case of citizens of the United States destitute or sick under such circumstances. It is well known that such citizens resort to foreign countries in great numbers. Though most of them are able to bear the expenses incident to locomotion, there are some who, through accident or otherwise, become penniless, and have no friends at home able to succor them. Persons in this situation must either perish, cast themselves upon the charity of foreigners, or be relieved at the private charge of

our own officers, who usually, even with the most benevolent dispositions, have nothing to spare for such purposes.

Should the authority and appropriation asked for be granted, care will be taken so to carry the beneficence of Congress into effect that it shall not be unnecessarily or unworthily bestowed.

TREASURY.

The moneys received and covered into the Treasury during the fiscal year ended June 30, 1872, were :

From customs.....	\$216,370,286 77
From sales of public lands.....	2,575,714 19
From internal revenue.....	130,642,177 72
From tax on national-bank circulation, &c.....	6,523,396 39
From Pacific Railway companies.....	749,861 87
From customs fines, &c.....	1,136,442 34
From fees, consular, patent, land, &c.....	2,284,095 92
From miscellaneous sources.....	4,412,254 71
Total ordinary receipts.....	364,694,229 91
From premium on sales of coin.....	9,412,637 65
Total net receipts.....	374,106,867 56
Balance in Treasury June 30, 1871, (including \$18,228.35 received from "unavailable").....	109,935,705 59
Total available cash.....	484,042,573 15

The net expenditures by warrants during the same period were :

For civil expenses.....	\$16,187,059 20
For foreign intercourse.....	1,839,369 14
For Indians.....	7,061,728 82
For pensions.....	28,533,402 76
For military establishment, including fortifications, river and harbor improvements, and arsenals.....	35,372,157 20
For naval establishment, including vessels and machinery and improvements at navy-yards.....	21,249,809 99
For miscellaneous civil, including public buildings, light-houses, and collecting the revenue.....	42,958,329 08
For interest on the public debt.....	117,357,839 72
Total, exclusive of principal and premium on the public debt....	270,559,695 91
For premium on bonds purchased.....	\$6,958,266 76
For redemption of the public debt.....	99,960,253 54
	106,918,520 30
Total net disbursements.....	377,478,216 21
Balance in Treasury June 30, 1872.....	106,564,356 94
Total.....	484,042,573 15

From the foregoing statement it appears that the net reduction of the

principal of the debt during the fiscal year ending June 30, 1872, was \$99,960,253.54.

The source of this reduction is as follows:

Net ordinary receipts during the year.....	\$364,694,229 91
Net ordinary expenditures, including interest on the public debt.....	270,559,695 91
Leaving surplus revenue	94,134,534 00
Add amount received from premium on sales of gold, in excess of the premium paid on bonds purchased.....	2,454,370 89
Add the amount of the reduction of the cash balance at the close of the year, accompanied with same at commencement of the year....	3,371,348 65
Total.....	<u>99,960,253 54</u>

This statement treats solely of the principal of the public debt.

By the monthly statement of the public debt, which adds together the principal, interest due and unpaid, and interest accrued to date, not due, and deducts the cash in the Treasury as ascertained on the day of publication, the reduction was \$100,544,491.28.

The source of this reduction is as follows:

Reduction in principal account.....	\$99,960,003 54
Reduction in unpaid interest account.....	3,330,952 96
	103,290,956 50
Reduction in cash on hand.....	2,746,465 22
	<u>100,544,491 28</u>

On the basis of the last table the statements show a reduction of the public debt, from the 1st of March, 1869, to the present time, as follows:

From March 1, 1869, to March 1, 1870.....	\$87,134,782 84
From March 1, 1870, to March 1, 1871.....	117,619,630 25
From March 1, 1871, to March 1, 1872.....	94,895,348 94
From March 1, 1872, to November 1, 1872, (eight months).....	64,047,237 84
Total.....	<u>363,696 999 87</u>

With the great reduction of taxation by the acts of Congress at its last session, the expenditure of the Government in collecting the revenue will be much reduced for the next fiscal year. It is very doubtful, however, whether any further reduction of so vexatious a burden upon any people will be practicable for the present. At all events, as a measure of justice to the holders of the nation's certificates of indebtedness, I would recommend that no more legislation be had on this subject, unless it be to correct errors of omission or commission in the present laws, until sufficient time has elapsed to prove that it can be done and still leave sufficient revenue to meet current expenses of Government, pay interest on the public debt, and provide for the sinking-fund established by law. The preservation of our national credit is of the highest

importance; next in importance to this comes a solemn duty to provide a national currency, of fixed, unvarying value, as compared with gold, and as soon as practicable, having due regard for the interests of the debtor class, and the vicissitudes of trade and commerce, convertible into gold at par.

WAR DEPARTMENT.

The report of the Secretary of War shows the expenditures of the War Department for the fiscal year ending June 30, 1871, to be \$35,799,991.82, and for the fiscal year ending June 30, 1872, to be \$35,372,157.20, showing a reduction in favor of the last fiscal year of \$427,834.62.

The estimates for military appropriations for the next fiscal year, ending June 30, 1874, are \$33,801,378.78.

The estimates of the Chief of Engineers are submitted separately for fortifications, river and harbor improvements, and for public buildings and grounds, and the Washington aqueduct.

The affairs of the Freedmen's Bureau have all been transferred to the War Department, and regulations have been put into execution for the speedy payment of bounty, pay, &c., due colored soldiers, properly coming under that bureau. All war accounts, for money and property, prior to 1871, have been examined and transmitted to the Treasury for final settlement.

During the fiscal year there has been paid for transportation on railroads \$1,300,000, of which \$800,857 was over the Pacific railroads; for transportation by water \$626,373.52, and by stage \$48,975.84; for the purchase of transportation animals, wagons, hire of teamsters, &c., \$924,650.64.

About \$370,000 have been collected from Southern railroads during the year, leaving about \$4,000,000 still due.

The Quartermaster has examined and transmitted to the accounting officers for settlement, \$367,172.72 of claims by loyal citizens for quartermasters' stores taken during the war.

Subsistence supplies to the amount of \$89,048.12 have been issued to Indians.

The annual average mean strength of the Army was 24,101 white, and 2,494 colored soldiers. The total deaths for the year reported, were 367 white and 54 colored.

The distribution of the Medical and Surgical History of the War is yet to be ordered by Congress.

There exists an absolute necessity for a medical corps of the full number established by act of Congress of July 28, 1866; there being now fifty-nine vacancies, and the number of successful candidates rarely exceeds eight or ten in any one year.

The river and harbor improvements have been carried on with energy and economy. Though many are only partially completed, the results

have saved to commerce many times the amount expended. The increase of commerce, with greater depth of channels, greater security in navigation, and the saving of time, adds millions to the wealth of the country and increases the resources of the Government.

The bridge across the Mississippi River at Rock Island has been completed, and the proper site has been determined upon for the bridge at La Crosse.

The able and exhaustive report made by the commission appointed to investigate the Sutro Tunnel has been transmitted to Congress.

The observations and reports of the Signal Office have been continued. Stations have been maintained at each of the principal lake, sea-port, and river cities. Ten additional stations have been established in the United States, and arrangements have been made for an exchange of reports with Canada, and a similar exchange of observations is contemplated with the West India Islands.

The favorable attention of Congress is invited to the following recommendations of the Secretary of War:

A discontinuance of the appointment of extra lieutenants to serve as adjutants and quartermasters; the adoption of a code providing specific penalties for well-defined offenses, so that the inequality of sentences adjudged by courts-martial may be adjusted; the consolidation of accounts under which expenditures are made, as a measure of economy; a re-appropriation of the money for the construction of a depot at San Antonio, the title to the site being now perfected; a special act placing the cemetery at the city of Mexico on the same basis as other national cemeteries; authority to purchase sites for military posts in Texas; the appointment of commissary sergeants from non-commissioned officers, as a measure for securing the better care and protection of supplies; an appropriation for the publication of the catalogue and tables of the anatomical section of the Army Medical Museum; a re-appropriation of the amount for the manufacture of breech-loading arms, should the selection be so delayed by the board of officers as to leave the former appropriation unexpended at the close of the fiscal year; the sale of such arsenals east of the Mississippi as can be spared, and the proceeds applied to the establishment of one large arsenal of construction and repair upon the Atlantic coast, and the purchase of a suitable site for a proving and experimental ground for heavy ordnance; the abrogation of laws which deprive inventors in the United States service from deriving any benefit from their inventions; the repeal of the law prohibiting promotions in the staff-corps; a continuance of the work upon coast defenses; the repeal of the seventh section of the act of July 13, 1866, taking from engineer soldiers the per diem granted to other troops; a limitation of time for presentation of old war claims for subsistence supplies under act of July 4, 1864; and a modification in the mode of the selection of cadets for the Military Academy, in order to enhance the usefulness of the Academy, which is impaired by reason of the large

amount of time necessarily expended in giving new cadets a thorough knowledge of the more elementary branches of learning, which they should acquire before entering the Academy. Also an appropriation for philosophical apparatus and an increase in the numbers and pay of the Military Academy band.

The attention of Congress will be called during its present session to various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of western and southern products to the Atlantic sea-board. The subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest therefore, that immediate steps be taken to gain all available information to insure equable and just legislation.

One route to connect the Mississippi Valley with the Atlantic, at Charleston, South Carolina, and Savannah, Georgia, by water, by the way of the Ohio and Tennessee Rivers, and canals and slack-water navigation to the Savannah and Ocmulgee Rivers, has been surveyed, and report made by an accomplished engineer officer of the Army. Second and third, new routes will be proposed for the consideration of Congress, namely, by an extension of the Kanawha and James River Canal to the Ohio, and by extension of the Chesapeake and Ohio Canal.

I am not prepared to recommend Government aid to these or other enterprises until it is clearly shown that they are not only of national interest, but that when completed they will be of a value commensurate with their cost.

That production increases more rapidly than the means of transportation in our country has been demonstrated by past experience. That the unprecedented growth in population and products of the whole country will require additional facilities, and cheaper ones for the more bulky articles of commerce to reach tide-water and a market will be demanded in the near future, is equally demonstrable. I would therefore suggest either a committee or a commission to be authorized to consider this whole question, and to report to Congress at some future day for its better guidance in legislating on this important subject.

The railroads of the country have been rapidly extended during the last few years to meet the growing demands of producers, and reflect much credit upon the capitalists and managers engaged in their construction.

In addition to these, a project to facilitate commerce by the building of a ship-canal around Niagara Falls, on the United States side, which has been agitated for many years, will, no doubt, be called to your attention at this session.

Looking to the great future growth of the country, and the increasing demands of commerce, it might be well, while on this subject, not only to have examined and reported upon the various practicable routes for connecting the Mississippi with tide-water on the Atlantic, but the

feasibility of an almost continuous land-locked navigation from Maine to the Gulf of Mexico. Such a route along our coast would be of great value at all times, and of inestimable value in case of a foreign war. Nature has provided the greater part of this route, and the obstacles to overcome are easily within the skill of the engineer.

I have not alluded to this subject with the view of having any further expenditure of public money at this time than may be necessary to procure and place all the necessary information before Congress in an authentic form, to enable it hereafter, if deemed practicable and worthy, to legislate on the subject without delay.

NAVY DEPARTMENT.

The report of the Secretary of the Navy herewith accompanying, explains fully the condition of that branch of the public service, its wants and deficiencies, expenses incurred during the past year, and appropriations for the same. It also gives a complete history of the services of the Navy for the past year, in addition to its regular service.

It is evident that, unless early steps are taken to preserve our Navy, that in a very few years the United States will be the weakest nation upon the ocean, of all great powers. With an energetic, progressive business people like ours, penetrating and forming business relations with every part of the known world, a Navy strong enough to command the respect of our flag abroad is necessary for the full protection of their rights.

I recommend careful consideration by Congress of the recommendations made by the Secretary of the Navy.

POST-OFFICE DEPARTMENT.

The accompanying report of the Postmaster-General furnishes a full and satisfactory exhibit of the operations of the Post-Office Department during the year. The ordinary revenues of the Department for the fiscal year ending June 30, 1872, amounted to \$21,915,426.37, and the expenditures to \$26,658,192.31. Compared with the previous fiscal year the increase of revenue was \$1,878,330.95, or 9.37 per cent., and the increase of expenditures \$2,268,088.23, or 9.29 per cent. Adding to the ordinary revenues the annual appropriation of \$700,000 for free matter, and the amounts paid to the subsidized mail-steamship lines from special appropriations, the deficiency paid out of the general Treasury was \$3,317,765.94, an excess of \$389,707.28 over the deficiency for the year 1871.

Other interesting statistical information relating to our rapidly extending postal service is furnished in this report. The total length of railroad mail-routes on the 30th of June, 1872, was 57,911 miles, 8,077 additional miles of such service having been put into operation during the year. Eight new lines of railway post-offices have been established, with an aggregate length of 2,909 miles. The number of letters exchanged in the mails with foreign countries was 24,362,500, an increase

of 4,066,502, or 20 per cent. over the number in 1871; and the postage thereon amounted to \$1,871,257.25. The total weight of the mails exchanged with European countries exceeded 820 tons. The cost of the United States transatlantic mail-steamship service was \$220,301.70. The total cost of the United States ocean-steamship service, including the amounts paid to the subsidized lines of mail steamers, was \$1,027,020.97.

The following are the only steamship lines now receiving subsidies for mail service under special acts of Congress: The Pacific Mail Steamship Company receive \$500,000 per annum for conveying a monthly mail between San Francisco, Japan, and China, which will be increased to \$1,000,000 per annum for a semi-monthly mail on and after October 1, 1873; the United States and Brazil Mail Steamship Company receive \$150,000 per annum for conveying a monthly mail between New York and Rio de Janeiro, Brazil; and the California, Oregon, and Mexico Steamship Company receive \$75,000 per annum for conveying a monthly mail between San Francisco and Honolulu, (Hawaiian Islands,) making the total amount of mail-steamship subsidies, at present, \$725,000 per annum.

Our postal communications with all parts of the civilized world have been placed upon a most advantageous footing by the improved postal conventions and arrangements recently concluded with the leading commercial countries of Europe and America, and the gratifying statement is made that with the conclusion of a satisfactory convention with France, the details of which have been definitely agreed to by the head of the French postal department, subject to the approval of the minister of finance, little remains to be accomplished by treaty for some time to come, with respect either to reduction of rates or improved facilities of postal intercourse.

Your favorable consideration is respectfully invited to the recommendations made by the Postmaster-General for an increase of service from monthly to semi-monthly trips on the mail-steamship route to Brazil; for a subsidy in aid of the establishment of an American line of mail steamers between San Francisco, New Zealand, and Australia; for the establishment of post-office savings banks; and for the increase of the salaries of the heads of bureaus. I have heretofore recommended the abolition of the franking privilege, and see no reason now for changing my views on that subject. It not having been favorably regarded by Congress, however, I now suggest a modification of that privilege to correct its glaring and costly abuses. I would recommend also the appointment of a committee or commission to take into consideration the best method (equitable to private corporations who have invested their time and capital in the establishment of telegraph-lines) of acquiring the title to all telegraph-lines now in operation, and of connecting this service with the postal service of the nation. It is not probable that this subject could receive the proper consideration during the limits of

a short session of Congress, but it may be initiated, so that future action may be fair to the Government and to private parties concerned.

There are but three lines of ocean steamers, namely, the Pacific Mail Steamship Company, between San Francisco, China, and Japan, with provision made for semi-monthly service after October 1, 1873; the United States and Brazil line, monthly; and the California, New Zealand, and Australian line, monthly, plying between the United States and foreign ports, and owned and operated under our flag. I earnestly recommend that such liberal contracts for carrying the mails be authorized with these lines as will insure their continuance.

If the expediency of extending the aid of Government to lines of steamers which hitherto have not received it should be deemed worthy of the consideration of Congress, political and commercial objects make it advisable to bestow such aid on a line under our flag between Panama and the Western South American ports. By this means much trade, now diverted to other countries, might be brought to us, to the mutual advantage of this country and those lying in that quarter of the continent of America.

The report of the Secretary of the Treasury will show an alarming falling off in our carrying-trade for the last ten or twelve years, and even for the past year. I do not believe that public treasure can be better expended in the interest of the whole people than in trying to recover this trade. An expenditure of \$5,000,000 per annum for the next five years, if it would restore to us our proportion of the carrying-trade of the world, would be profitably expended.

The price of labor in Europe has so much enhanced within the last few years that the cost of building and operating ocean-steamers in the United States is not so much greater than in Europe, and I believe the time has arrived for Congress to take this subject into serious consideration.

DEPARTMENT OF JUSTICE.

Detailed statements of the disbursements through the Department of Justice will be furnished by the report of the Attorney-General, and though these have been somewhat increased by the recent acts of Congress "to enforce the rights of citizens of the United States to vote in the several States of the Union," and "to enforce the provisions of the fourteenth amendment to the Constitution of the United States," and the amendments thereto, I cannot question the necessity and salutary effect of those enactments. Reckless and lawless men, I regret to say, have associated themselves together, in some localities, to deprive other citizens of those rights guaranteed to them by the Constitution of the United States, and to that end have committed deeds of blood and violence; but the prosecution and punishment of many of these persons have tended greatly to the repression of such disorders. I do not doubt that a great majority of the people in all parts of the country favor the

full enjoyment by all classes of persons of those rights to which they are entitled under the Constitution and laws; and I invoke the aid and influence of all good citizens to prevent organizations whose objects are by unlawful means to interfere with those rights. I look with confidence to the time, not far distant, when the obvious advantages of good order and peace will induce an abandonment of all combinations prohibited by the acts referred to, and when it will be unnecessary to carry on prosecutions or inflict punishment to protect citizens from the lawless doings of such combinations.

Applications have been made to me to pardon persons convicted of a violation of said acts, upon the ground that clemency in such cases would tend to tranquillize the public mind, and to test the virtue of that policy I am disposed, as far as my sense of justice will permit, to give to these applications a favorable consideration; but any action thereon is not to be construed as indicating any change in my determination to enforce with rigor such acts so long as the conspiracies and combinations therein named disturb the peace of the country.

It is much to be regretted, and is regretted by no one more than myself, that a necessity has ever existed to execute the "enforcement act." No one can desire more than I that the necessity of applying it may never again be demanded.

INTERIOR DEPARTMENT.

The Secretary of the Interior reports satisfactory improvement and progress in each of the several bureaus under the control of the Interior Department. They are all in excellent condition. The work which in some of them, for some years, has been in arrears, has been brought down to a recent date, and in all the current business is being promptly dispatched.

INDIANS.

The policy which was adopted at the beginning of this administration with regard to the management of the Indians has been as successful as its most ardent friends anticipated within so short a time. It has reduced the expense of their management; decreased their forays upon the white settlements; tended to give the largest opportunity for the extension of the great railways through the public domain and the pushing of settlements into more remote districts of the country; and at the same time improved the condition of the Indians. The policy will be maintained without any change excepting such as further experience may show to be necessary to render it more efficient.

The subject of converting the so-called Indian Territory south of Kansas into a home for the Indian, and erecting therein a territorial form of government, is one of great importance as a complement of the existing Indian policy. The question of removal to that territory has, within

the past year, been presented to many of the tribes resident upon other and less desirable portions of the public domain, and has generally been received by them with favor. As a preliminary step to the organization of such a territory it will be necessary to confine the Indians, now resident therein, to farms of proper size, which should be secured to them in fee; the residue to be used for the settlement of other friendly Indians. Efforts will be made in the immediate future to induce the removal of as many peaceably-disposed Indians to the Indian Territory as can be settled properly, without disturbing the harmony of those already there. There is no other location now available, where a people who are endeavoring to acquire a knowledge of pastoral and agricultural pursuits can be as well accommodated as upon the unoccupied lands in the Indian Territory. A territorial government should, however, protect the Indians from the inroads of whites for a term of years, until they become sufficiently advanced in the arts and civilization to guard their own rights, and from the disposal of the lands held by them for the same period.

LANDS.

During the last fiscal year there were disposed of, out of the public lands, 11,864,975 acres, a quantity greater by 1,099,270 acres than was disposed of the previous year. Of this amount, 1,370,320 acres were sold for cash; 389,460 acres located with military warrants; 4,671,332 acres taken for homesteads; 693,613 acres located with college scrip; 3,554,887 acres granted to railroads; 465,347 acres granted to wagon-roads; 714,255 acres given to States as swamp-land; 5,760 acres located by Indian scrip. The cash receipts from all sources in the Land-Office amounted to \$3,218,100. During the same period 22,016,608 acres of the public lands were surveyed, which, added to the quantity before surveyed, amounts to 583,364,780 acres, leaving 1,257,633,628 acres of the public lands still unsurveyed.

The reports from the subordinates of the Land-Office contain interesting information in regard to their respective districts. They uniformly mention the fruitfulness of the soil during the past season, and the increased yields of all kinds of produce. Even in those States and Territories where mining is the principal business, agricultural products have exceeded the local demand, and liberal shipments have been made to distant points.

PATENTS.

During the year ending September 30, 1872, there were issued from the Patent-Office 13,626 patents; 233 extensions; and 556 certificates and registries of trade-marks. During the same time 19,587 applications for patents, including re-issues and designs, have been received, and 3,100 caveats filed. The fees received during the same period amounted to \$700,954.86, and the total expenditures to \$623,553.90, making the net receipts over the expenditures \$77,400.96.

Since 1836, 200,000 applications for patents have been filed, and about 133,000 patents issued. The office is being conducted under the same laws and general organization as were adopted at its original inauguration, when only from one hundred to five hundred applications were made per annum. The Commissioner shows that the office has outgrown the original plan, and that a new organization has become necessary. This subject was presented to Congress in a special communication in February last, with my approval and the approval of the Secretary of the Interior, and the suggestions contained in said communication were embraced in the bill that was reported to the House, by the Committee on Patents, at the last session. The subject of the re-organization of the Patent-Office, as contemplated by the bill referred to, is one of such importance to the industrial interests of the country that I commend it to the attention of Congress.

The Commissioner also treats the subject of the separation of the Patent-Office from the Department of the Interior. This subject is also embraced in the bill heretofore referred to. The Commissioner complains of the want of room for the model-gallery, and for the working force and necessary files of the office. It is impossible to transact the business of the office properly without more room in which to arrange files and drawings, that must be consulted hourly in the transaction of business. The whole of the Patent-Office building will soon be needed, if it is not already, for the accommodation of the business of the Patent-Office.

PENSIONS.

The amount paid for pensions in the last fiscal year was \$30,169,340, an amount larger by \$3,708,434 than was paid during the preceding year. Of this amount \$2,313,409 were paid under the act of Congress of February 17, 1871, to survivors of the war of 1812. The annual increase of pensions by the legislation of Congress has more than kept pace with the natural yearly losses from the rolls. The act of Congress of June 8, 1872, has added an estimated amount of \$750,000 per annum to the rolls, without increasing the number of pensioners. We cannot, therefore, look for any substantial decrease in the expenditures of this Department for some time to come, or so long as Congress continues to so change the rates of pension.

The whole number of soldiers enlisted in the war of the rebellion was 2,688,523. The total number of claims for invalid pensions is 176,000, being but six per cent. of the whole number of enlisted men. The total number of claims on hand at the beginning of the year was 91,689; the number received during the year was 26,574; the number disposed of was 39,178, making a net gain of 12,604. The number of claims now on file is 79,085.

On the 30th of June, 1872, there were on the rolls the names of 95,405 invalid military pensioners, 113,518 widows, orphans, and dependent

relatives, making an aggregate of 298,923 Army pensioners. At the same time there were on the rolls the names of 1,449 Navy pensioners, and 1,730 widows, orphans, and dependent relatives, making the whole number of naval pensioners 3,179. There have been received, since the passage of the act to provide pensions for the survivors of the war of 1812, 36,551 applications, prior to June 30, 1872. Of these there were allowed, during the last fiscal year, 20,126 claims; 4,845 were rejected during the year, leaving 11,580 claims pending at that date. The number of pensions of all classes granted during the last fiscal year was 33,838. During that period there were dropped from the rolls, for various causes, 9,104 names, leaving a grand total of 232,229 pensioners on the rolls on the 30th of June, 1872.

It is thought that the claims for pensions on account of the war of 1812 will all be disposed of by the 1st of May, 1873. It is estimated that \$30,480,000 will be required for the pension service during the next fiscal year.

THE CENSUS.

The ninth census is about completed. Its early completion is a subject of congratulation, inasmuch as the use to be made of the statistics therein contained depends very greatly on the promptitude of publication.

The Secretary of the Interior recommends that a census be taken in 1875, which recommendation should receive the early attention of Congress. The interval at present established between the federal census is so long that the information obtained at the decennial periods as to the material condition, wants and resources of the nation, is of little practical value after the expiration of the first half of that period. It would probably obviate the constitutional provision regarding the decennial census, if a census taken in 1875 should be divested of all political character, and no re-apportionment of congressional representation be made under it. Such a census, coming as it would in the last year of the first century of our national existence, would furnish a noble monument of the progress of the United States during that century.

EDUCATION.

The rapidly increasing interest in education is a most encouraging feature in the current history of the country, and it is, no doubt, true that this is due in a great measure to the efforts of the Bureau of Education. That office is continually receiving evidences, which abundantly prove its efficiency, from the various institutions of learning, and educators of all kinds throughout the country.

The report of the Commissioner contains a vast amount of educational details of great interest. The bill now pending before Congress, providing for the appropriation of the net proceeds of the sales of public lands for educational purposes, to aid the States in the general education

of their rising generation, is a measure of such great importance to our real progress, and is so unanimously approved by the leading friends of education, that I commend it to the favorable attention of Congress.

TERRITORIES.

Affairs in the Territories are generally satisfactory. The energy and business capacity of the pioneers who are settling up the vast domains not yet incorporated into States are keeping pace, in internal improvements and civil government, with the older communities. In but one of them, Utah, is the condition of affairs unsatisfactory, except so far as the quiet of the citizen may be disturbed by real or imaginary danger of Indian hostilities. It has seemed to be the policy of the legislature of Utah to evade all responsibility to the Government of the United States, and even to hold a position in hostility to it.

I recommend a careful revision of the present laws of the Territory by Congress, and the enactment of such a law (the one proposed in Congress at its last session, for instance, or something similar to it) as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy.

Since the establishment of a territorial government for the District of Columbia, the improvement of the condition of the city of Washington and surroundings, and the increased prosperity of the citizens, is observable to the most casual visitor. The nation, being a large owner of property in the city, should bear, with the citizens of the District, its just share of the expense of these improvements.

I recommend, therefore, an appropriation to reimburse the citizens for the work done by them along and in front of public grounds during the past year; and liberal appropriations in order that the improvement and embellishment of the public buildings and grounds may keep pace with the improvements made by the Territorial authorities.

AGRICULTURE.

The report of the Commissioner of Agriculture gives a very full and interesting account of the several divisions of that Department—the horticultural, agricultural, statistical, entomological, and chemical, and the benefits conferred by each upon the agricultural interests of the country. The whole report is a complete history, in detail, of the workings of that Department in all its branches, showing the manner in which the farmer, merchant, and miner is informed, and the extent to which he is aided in his pursuits.

The Commissioner makes one recommendation—that measures be taken by Congress to protect and induce the planting of forests, and suggests that no part of the public lands should be disposed of without the condition that one-tenth of it should be reserved in timber where it

exists, and, where it does not exist, inducements should be offered for planting it.

CENTENNIAL CELEBRATION.

In accordance with the terms of the act of Congress, approved March 3, 1871, providing for the celebration of the one hundredth anniversary of American independence, a commission has been organized, consisting of two members from each of the States and Territories. This commission has held two sessions; and has made satisfactory progress in the organization and in the initiatory steps necessary for carrying out the provisions of the act, and for executing also the provisions of the act of June 1, 1872, creating a centennial board of finance. A preliminary report of progress has been received from the president of the commission, and is herewith transmitted. It will be the duty of the commission at your coming session to transmit a full report of the progress made, and to lay before you the details relating to the exhibition of American and foreign arts, products, and manufactures, which, by the terms of the act, is to be held under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

This celebration will be looked forward to by American citizens with great interest, as marking a century of greater progress and prosperity than is recorded in the history of any other nation, and as serving a further good purpose in bringing together, on our soil, peoples of all the commercial nations of the earth, in a manner calculated to insure international good feeling.

CIVIL SERVICE.

An earnest desire has been felt to correct abuses which have grown up in the civil service of the country, through the defective method of making appointments to office. Heretofore Federal offices have been regarded too much as the reward of political services. Under authority of Congress, rules have been established to regulate the tenure of office and the mode of appointments. It cannot be expected that any system of rules can be entirely effective, and prove a perfect remedy for the existing evils, until they have been thoroughly tested by actual practice, and amended according to the requirements of the service. During my term of office it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform in the civil service of the Government; but it will require the direct action of Congress to render the enforcement of the system binding upon my successors, and I hope that the experience of the past year, together with appropriate legislation by Congress, may reach a satisfactory solution of this question, and secure to the public service, for all time, a practical method of obtaining faithful and efficient officers and employes.

U. S. GRANT.

EXECUTIVE MANSION, *December 2, 1872.*

FOREIGN RELATIONS.

LIST OF PAPERS, WITH THEIR CONTENTS.

PROCLAMATIONS, ETC.

No.		Date.	Subject.	Page.
1	Proclamation	1871. Dec. 19	Mutual abolition of discriminating duties between the United States and Spain, excepting the islands of Cuba and Porto Rico.	1
2	do	1872. May 11	Consular jurisdiction over crews of vessels of the United Kingdoms of Sweden and Norway in the waters and ports of the United States.	1
3	do	Sept. 4	Mutual abolition of discriminating duties between the United States and Japan.	2
4	do	Oct. 30	Announcing that the suspension of the collection of discriminating duties upon importations in French vessels from countries other than France, as provided for in proclamations of 12th June and 20th November, 1869, shall cease and determine from this date, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States are hereby revived.	3
	Circular	1871. Oct. 14	Inclosing copy of Executive Order, prescribing fee of \$5, in addition to fees heretofore authorized, for issuance of passports by diplomatic and consular officers of the United States.	4
6	do	Dec. 15	Diplomatic and consular officers are directed to simply use their good offices in behalf of any Swiss who might request them, in the absence of similar representatives of their country.	5
7	do	1872. Jan. 10	Passports should be obtained from the Department of State. Passports granted by State, municipal, or local officers afford no protection.	5
8	do	Jan. 30	Length of time for which passports are good	6
9	do	Feb. 16	The age at which males and females attain their majority in the several States and Territories of the United States.	6
10	do	April 15	How and where foreigners may obtain testimony from persons residing in the United States, to be used in the courts of foreign countries. Also, copies of acts of Congress bearing upon the subject.	8
11	do	May 25	Steps necessary to be taken by French citizens who were born in the territories ceded to the German Empire, in order to preserve their nationality.	11
12	do	July 1	Regulations of Treasury Department relative to invoices.	13
13	do	July 15	Appointment of shipping commissioners for the further protection of seamen.	13

PROCLAMATIONS, Etc.—Continued.

No.		Date.	Subject.	Page.
14	Circular	1872. Aug. 5	No fee to be charged hereafter for witnessing executions and taking acknowledgments of assignments of United States registered bonds, or of powers of attorney to assign such bonds or to collect interest thereon.	27

ARGENTINE REPUBLIC.

No.	From whom and to whom.	Date.	Subject.	Page.
15	Mr. Kirk to Mr. Fish	1871. May 12	Ravages of the yellow fever in Buenos Ayres.	28
16	do	1872. Aug. 14	Announcing the appointment of Mr. Borges as minister of Brazil to the United States.	29
17	Mr. Clapp to Mr. Hunter.	1872. Feb. 13	Relative to the disputed boundary-line between the Argentine Republic, Brazil, and Paraguay. Brazil and Paraguay enter into treaty to constitute the River Apa the boundary-line between the two countries; Brazil remitting all financial claims on account of the war. Excitement in Buenos Ayres on the subject. Issuance of a decree by President Sarmiento constituting the whole of the Grand Chaco an Argentine province. Rebellion in Corrientes.	29
18	do	Mar. 20	Inclosing translation of correspondence between minister of foreign affairs of Argentine Republic and British legation on the subject of outrages committed on British subjects residing in that Republic. The massacre of foreigners at Tandil.	30
19	Mr. Fish to Mr. Clapp	Apr. 19	Relative to extinguishment of Paraguay as an independent government by the allies. The best interest of the United States depends upon Paraguay's maintaining her independence and territory.	35
20	Mr. Clapp to Mr. Hunter ...	June 4	Information communicated in former dispatch that Brazil releases Paraguay from all financial claims on account of the late war proves incorrect. On the contrary, Brazil has secured by the terms of the treaty an acknowledgment of indemnity due for her expenses incurred in that war.	35
21	do	June 12	Relative to the apprehended designs of Brazil and the Argentine Republic to appropriate portions of the territory of Paraguay. Incloses an appendix to annual report of the Argentine minister of foreign affairs, containing recent correspondence with Brazil upon the Paraguayan question. Ex-President Mitre has been sent on a special mission to Brazil. Alleged object of Brazil in sustaining the claim of Paraguay to the Chaco is to prevent the construction of a railroad from Bolivia to the banks of the Paraguay, which would destroy the monopoly which Brazil enjoys of the tropical productions of the valley of the La Plata.	35

ARGENTINE REPUBLIC--Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1872.		
22	Mr. Clapp to Mr. Hunter ...	Aug. 10	Celebration on the completion of the telegraph between the Argentine Republic and Chili. Incloses extracts from the Standard relative to the celebration. Generous acknowledgment of the indebtedness of both countries to a citizen of the United States for establishing telegraph, railroad, and steamship communications between those countries.	40
23	do	Aug. 12	Excitement caused by anticipated trouble between the Argentine Republic and Brazil has, in a great measure, subsided. General sentiment prevails that Brazil does not desire war.	43
24	do	Sept. 12	No perceptible change in the condition of affairs respecting the difficulty between the Argentine Republic and Brazil. A portion of the Grand Chaco is claimed by Bolivia. An envoy has arrived from Bolivia to settle the question.	43

AUSTRIA.

		1871.		
25	Mr. Jay to Mr. Fish	Dec. 29	Opening of the Reichsrath by the Emperor in person; favorable reception of his speech, copy of which is inclosed.	44
		1872.		
26	do	Jan. 13	Relative to the Grand Exposition at Vienna in 1873; copy of correspondence with the minister for foreign affairs on the subject.	46
27	Mr. Fish to Mr. Jay	Feb. 5	Same subject	47
28	Mr. Jay to Mr. Fish	Feb. 29	Same subject; informed Mr. Von Hofmann, in the absence of Count Andrassy, that the patent law of Austria did not afford sufficient protection to inventors from a distance; inclosed copy of an article taken from the Scientific American upon the subject, to Count Andrassy; copy of same hereto appended.	48
29	do	Mar. 7	Same subject	49
30	do	Mar. 22	Same subject	50
31	do	Mar. 26	Same subject	52
32	do	Apr. 8	Refers to the Centennial celebration at Philadelphia in 1876, and suggests a generous appropriation by Congress to enable American manufacturers to be fairly represented at Vienna, as being the surest method of insuring reciprocal courtesy on the part of the governments of Europe.	53
33	do	Apr. 19	Closing of the Hungarian Diet by the King in person.	53
34	Mr. Fish to Mr. Jay	May 1	Informing him that the subject of the World's Exposition had been presented to Congress.	54
35	Mr. Hale to Mr. Jay	July 10	Inclosing copy of act of Congress relating to Vienna Exposition of 1873; Thomas B. Van Buren appointed to represent the United States.	55

AUSTRIA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
36	Mr. Fish to Mr. Jay	1872. July 22	Expressive of sympathy for the inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia.	55
37	Mr. Jay to Mr. Hale	July 26	A larger space reserved for Americans in the Vienna Exposition than was allotted to them in the Paris Exposition; copy of Fourth of General Directions for foreign exhibitors inclosed; Austrian government desires a perfect representation of the system of common-school education adopted in the United States.	55
38	do	July 30	Transmits a note received from Baron Schwarz, with a memorandum of the action of such governments as have already sent special commissioners to Vienna.	57
39	Mr. Jay to Mr. Fish	Aug. 21	Incloses a translation of a law or order in council recently promulgated by Austrian government, for the temporary protection of the rights of exhibitors at the Universal Exposition from the infringement of their inventions.	58
40	do	Aug. 27	Transmits official list of foreign commissioners to the Vienna Exposition; the Austrian government relies confidently upon the assistance of the United States in the educational branch of the Exposition.	61
41	do	Aug. 31	Condition of the Israelites in Roumania	62

BOLIVIA.

42	Mr. Markbreit to Mr. Fish ..	1872. Jan. 31	Concerning the boundary-line between Bolivia and Chili. Fears are entertained that troubles may arise, owing to the recent development of several rich mines located between the three parallels of latitude which constitute the boundary-line, and which, by the terms of the treaty, are jointly owned by Bolivia and Chili.	64
43	do	Apr. 5	The Argentine government has assumed jurisdiction over the entire territory of "El Gran Chaco;" alleged violation of Bolivian territory by the Argentine government; troops called out for service on the frontier.	65

BRAZIL.

44	Mr. Partridge to Mr. Fish...	1871. Sept. 9	The emancipation bill passed the house of deputies and now under discussion in the senate with a prospect of its passage; suggests that the United States Government induce that of Brazil to lower the duties on products of the United States imported into that country.	66
45	do	Sept. 23	Appointment of Baron de Itajuba as a member of the Tribunal of Arbitration at Geneva.	66

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46	Mr. Partridge to Mr. Fish . .	Sept. 28	Same subject; a brief sketch of Baron de Itajuba's life.	67
47	do	Sept. 29	Passage of emancipation bill by the chamber of deputies and senate, and now a law of the empire; translation of the law of Brazil freeing the children of slave mothers born after its passage.	68
48	Mr. Davis to Mr. Partridge.	Oct. 21	Gratification of the President with the appointment of Baron de Itajuba as a member of the Tribunal of Arbitration.	72
49	Mr. Fish to Mr. Partridge . .	Oct. 26	Concerning the diminution of duties on certain principal articles of exports from the United States into Brazil.	73
50	Mr. Partridge to Mr. Fish . .	Nov. 1	Incloses a translation of note of imperial government to the Italian legation, also of memorandum accompanying said note, with regard to the claim of Chapperon, late Italian consul in Paraguay, for the sacking of his houses at Asuncion and Luque, by Brazilian troops.	73
51	Mr. Fish to Mr. Partridge . .	Nov. 10	Passage of a law of freedom in Brazil, the President receives with much satisfaction the intelligence.	83
52	Mr. Partridge to Mr. Fish . .	Nov. 24	Relative to the disposition and inability of Brazil to maintain her neutrality during the Franco-German war, and the indisposition of France to respect it. Annexed is a narrative of the facts and a résumé of the correspondence between the Brazilian government and the French and the North-German legations in Brazil, in relation to the alleged violation by the French of Brazilian neutrality.	84
53	do	Dec. 20	Import and export duties; concerning a reduction on such duties.	89
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54	do	Jan. 22	The destitute condition of those who emigrated to Brazil from the Southern States after the close of the war.	90
55	do	Jan. 23	Political condition of Brazil, declination on her part to enter into new treaties with any nations.	91
56	do	Feb. 22	Treaty negotiated with Paraguay; the provisions it is said to embrace; speculations upon the same.	91
57	do	Mar. 21	Same subject. Great preparations being made to receive the Emperor and Empress. Reception of Count Solms, the new German minister. Death of Mr. Nicholas de Bodisco, secretary of the Russian legation. Protracted drought, heat, and sickness. Death of large number of prominent Brazilians, among them Viscount de Itaboraahy.	92
58	Mr. Fish to Mr. Partridge . .	Mar. 22	Relative to return of destitute American citizens.	93
59	Mr. Partridge to Mr. Fish . .	April 8	Account of the arrival and reception of the Emperor and Empress. Résumé of conversation had with the Emperor.	94

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60	Mr. Partridge to Mr. Fish ..	April 10	Transmits text of four treaties between Brazil and Paraguay, viz: Treaty of peace, treaty of boundary and limits, treaty for extradition of fugitives from justice, and treaty of friendship, commerce, navigation, and consular privileges.	95
61	Mr. Fish to Mr. Partridge ..	April 20	Same subject.....	97
62	Mr. Partridge to Mr. Fish ..	April 22	Changes in the Brazilian cabinet. Great damage done by long-continued rain. Excursion into the interior.	97
63	do	May 16	Attendance of the Emperor at the opening of the legislative chambers; transmits copy of the speech of the Emperor upon the occasion; satisfactory state of Brazilian finances.	99
64	do	May 22	Treaty with Paraguay; discussion on the subject by Brazilians.	101
65	do	May 25	Defeat of the present ministry (under Viscount Rio Branco) in the chamber of deputies; dissolution of the chambers by imperial decree and another legislature called. Great ease in the money market; new joint-stock companies and other undertakings forming for almost every conceivable business.	102
66	do	June 16	A good deal of feeling caused by reception of a note addressed by minister of foreign affairs of Argentine Republic direct to Brazilian minister of foreign affairs, concerning the treaties lately made between Brazil and Paraguay. Appointment of General Mitre as minister of the Argentine Republic to Brazil.	103
67	do	June 24	Concerning the manner of elections to the chamber of deputies.	104
68	do	July 6	Correspondence upon the subject of the violation of Brazilian neutrality, during the Franco-German war, by the French gun-boat Hamelin.	105
69	do	July 18	Relations with Argentine Republic, since the arrival of General Mitre, are more satisfactory. Insufficiency of mail communication with the United States.	106
70	Mr. Shannon to Mr. Fish....	Aug. 25	Election of members to the new chamber of deputies; account of the proceedings.	106
71	do	Sept. 24	Same subject.....	107
72	Mr. Hale to Mr. Shannon ..	Sept. 25	Gratification of the United States Government that the differences between Brazil and the Argentine Republic are passing away and would result in no appeal to arms.	108
73	Mr. Fish to Mr. Shannon....	Oct. 10	Expressing the President's appreciation of the friendly act of the Emperor of Brazil, and of the high character and eminent services rendered by Viscount Itajuba in participating in the settlement of the grave questions presented to the Tribunal of Arbitration at Geneva.	109

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84	Mr. Low to Mr. Fish.....	July 12	Departure of a number of Chinese students, with their guardians and tutors, for the United States on a certain day. Incloses copy of translation of a note from the Viceroy soliciting the kind offices of the Department of State in their behalf.	135
85	do.....	Sept. 19	The Chinese indemnity fund; proper disposition of. The need of competent interpreters in the legation and consulates. Urges the education of a corps of interpreters.	136
86	Mr. Fish to Mr. Low.....	Oct. 4	Departure of a number of Chinese youths for education in the United States.	138

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88	do.....	Oct. 7	The steamer Virginia. The President of Colombia has annulled the order of the commandant of the port of Colon, requiring her agents to give bonds that she will not leave that port.	140

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90	Mr. Hurlbut to Mr. Fish....	Nov. 10	Financial condition of Colombia. Her apparent insolvency. Purchase in the United States of arms and munitions of war in view of possible disturbances in that country.	141
91	do	Dec. 7	The steamer Montijo. The government of Colombia alleges that it has no jurisdiction over the acts of Herréra and his accomplices, they being purely State officers. The question of the punishment of the evil-doers, and of pecuniary compensation, will come up before the next congress.	142
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92	Mr. Fish to Mr. Hurlbut....	Jan. 4	Same subject. Transmits copy of dispatch from consul at Panama in regard to the conduct of the attorney-general of that State with reference to the persons who committed the outrage against the steamer Montijo.	143
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94	do	Jan. 16	Same subject. Incloses copy of his note to Señor Zapata, and is informed in reply that instructions have been sent to their minister in Washington to conduct further proceedings in this matter at that capital.	152
95	do	Feb. 7	Same subject. Has been informed by secretary for foreign relations that a supersedeas has been issued in the case of Herréra and Diaz. From this decision an appeal has been taken to the supreme court.	154
96	Mr. Fish to Mr. Hurlbut....	Feb. 20	Same subj ct. No attempt to prosecute the offenders appears to have been made. Reparation must be sought in some direction.	155
97	do	Feb. 26	Same subject. Directing him to inform the Colombian government that, while we have no other than a friendly feeling for Colombia, we cannot forego the duty of requiring her, as an independent power, to discharge her obligations as such to the United States and their citizens.	155
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99	Mr. Hurlbut to Mr. Fish	May 4	The Virginus blockaded in the port of Aspinwall by the Spanish corvette, Pizarro. Application of the captain for protection. Recognition of the Cubans as belligerents by both Colombia and Venezuela.	156

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103	do	Feb. 23	Conference between the Presidents of Costa Rica and Nicaragua on the subject of an inter-oceanic canal. The President of Costa Rica is anxious that the United States should undertake the work.	160
104	Mr. Fish to Mr. Blair	April 3	Same subject. The United States government has organized a board of engineers. The subject will be submitted to them for their consideration.	161
105	Mr. Blair to Mr. Fish	April 14	Election of General Guardia as President of Costa Rica for the period of four years.	161

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107	do	Oct. 3	Includes a copy of a law recently passed by the local congress of the State of Cauca, in Colombia, upon the sovereignty and jurisdiction of that State.	162
108	do	Oct. 17	Dr. L. D. Wilson, his arrest and imprisonment in Guayaquil. Incloses copy of a letter from Consul Bragdon; also copy of deposition of Mr. Wilson relative to his arrest.	164
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114	do	Dec. 23	The Indians near Riobamba have burned several villages and committed many atrocities and murders.	172
115	do	1872. Jan. 12	The case of Dr. L. D. Wilson; conflicting statements as to the manner of arrest and the period of his imprisonment.	174
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117	do	Jan. 18	Steamship subsidies. Expresses his gratification at reading the opinion of the President as conveyed in his late message to Congress upon the subject.	176
118	do	Feb. 5	The inefficiency of the United States Navy as compared with those of certain foreign governments. Incloses a copy of an article taken from a late American paper entitled, "A word for the Navy."	176
119	do	Feb. 27	Courtesies extended to the United States legation by the Ecuadorian government on the 22d of February; also by the diplomatic agents and many prominent and private citizens.	177
120	do	April 2	The Ecuadorian government especially pleased with the kind and courteous reception which their minister has received at the hands of the United States Government at Washington.	178
121	do	July 5	Flattering manner in which our national anniversary was observed in Quito. The bands of the Ecuadorian government and a guard of honor were sent to the United States legation. Incloses a copy of an article taken from <i>El Nacional</i> , in which very kind allusions are made to our national day.	178
122	do	Aug. 8	Very favorable consideration with which United States citizens are regarded in Ecuador. A large party of American artisans, mechanics, &c., are expected to arrive within a day or two. Several classes of contracts heretofore monopolized by Europeans will hereafter be turned into American channels.	179

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125	Mr. Washburne to Mr. Fish.	Oct. 30	Mexican citizens domiciled in Paris during the existence of the Franco-German war. Concerning his official action in their behalf.	180
126	Mr. Fish to Mr. Washburne.	Nov. 20	Same subject. His action in the premises approved.	181
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127	do	Jan. 15	Same subject. Incloses a translation of a note addressed to our minister in Mexico by the minister for foreign affairs of that republic.	181
128	Mr. Washburne to Mr. Fish.	Apr. 1	M. Thiers's speech upon the financial situation of France, in which he complimented the United States upon the manner in which they had proportioned the taxes to the burdens they had assumed.	181
129	do	Aug. 2	Adjournment of the national assembly. The success of the three-milliard loan.	182
130	do	Aug. 23	Peaceful condition of the country. The entire population of France investing in the new loan. Satisfactory yield of the products for the present year.	182
131	Mr. Fish to Mr. Washburne.	July 22	Persecution of the Israelites in Moldo-Wallachia..	183
132	Mr. Washburne to Mr. Fish.	Sept. 5	Same subject. Incloses copy of correspondence had with M. de Rémusat relative thereto.	183

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133	Mr. Bancroft to Mr. Fish....	Nov. 20	The German Parliament appropriates forty millions of thalers in specie as a campaign fund in the event of a war. Establishment of a uniform currency. The dogma of infallibility. Most of the Catholic bishops opposed to the dogma.	184
134	do	Dec. 2	Celebration by Americans of our national Thanksgiving Day. Many prominent German officials present. Complimentary speeches of Prince Hohenlohe and Mr. von Philipsborn.	185
135	do	Dec. 4	Passage of the bill giving equality to all places and to all persons in regard to public utterances on political subjects. Bill to make provision for an active army of 450,000 men.	187

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137	do.....	April 9	Opening of the German Parliament by Prince Bismarck. Consular treaty with the United States will be at once laid before that body.	188
138	do.....	May 14	The exceedingly large emigration to the United States is causing much comment, the German papers complaining of it as an evil, and suggest all sorts of remedies. The Pommeranian Agricultural Society requests the chancellor of the empire to offer free transportation to such as desire to return. Contemplated emigration of the sect called Mennoniten, numbering 25,000 souls.	189
139	do.....	June 17	The topic, how to deal with the Jesuits in Germany, having been debated in the Diet, has resulted in the exclusion from the German empire of the order of the Society of Jesus, and its kindred orders and congregations.	190
140	do.....	June 24	Passage of a law rendering marriage by civil forms obligatory in all cases throughout the empire. It is justified by the necessity of providing for the legal marriage of Catholics who reject the dogma of papal infallibility.	192
141	Mr. Bliss to Mr. Fish.....	July 15	Culture of the forest in Germany.....	192
142	Mr. Fish to Mr. Bancroft....	July 22	Persecuted Hebrews in Moldavia and Wallachia. Instructs him to communicate with the minister for foreign affairs relative to the amelioration of their condition.	193
143	Mr. Bancroft to Mr. Fish....	Aug. 26	Same subject. The German government entertain the same views with regard to the persecuted Hebrews in Roumania as the United States.	194

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144	Mr. Schlözer to Mr. Fish....	Oct. 23.	Emigration to the United States from Germany. No measures have been taken by the German government to prevent emigration.	194
145	Mr. Fish to Mr. Schlözer....	Nov. 2	Same subject. The denial on the part of Germany of her having taken measures to prevent emigration will be promulgated.	195
146	Mr. Schlözer to Mr. Fish....	Nov. 20	Same subject. The reason why Germany has discontinued the practice, heretofore followed, of aiding the emigration of her people.	195

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		1872.		
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148	Mr. Schenck to Mr. Fish	Oct. 8	Lord Granville believes that a general expression of the public opinion of the world would have more effect than any particular means which governments could take. He stated that he would be pleased to communicate freely with the Government of the United States as to anything which could be done, and which might have practical effect.	197
			2. Boundary-line between the Lake of the Woods and the Rocky Mountains:	
149	Mr. Fish to Sir Edward Thornton.	May 11	Informing him that Congress has authorized the President to co-operate with the government of Great Britain in the appointment of a joint commission to determine the said boundary-line, and inquires whether his government has taken any measures for this purpose.	197
150	Sir Edward Thornton to Mr. Fish.	May 13	Has communicated with Earl Granville relative to the appointment of a joint commission.	198
151	do	May 17	Captain Cameron, of the royal artillery, has been appointed on the part of Great Britain to survey the northwest boundary.	198
152	Mr. Fish to Sir Edward Thornton.	June 10	Archibald Campbell has been appointed by the United States as their commissioner to survey the northwest boundary.	199
153	Mr. Hale to Sir Edward Thornton.	July 3	Relative to a place of meeting for conference between the commissioners previous to their departure for the field of their operations.	199
154	Sir Edward Thornton to Mr. Fish.	July 4	Captain Cameron has been instructed to proceed to Washington for the purpose of communicating with Mr. Campbell, and arranging plans for their future proceedings.	199
			3. Position in which American flag was hoisted on board the American schooner James Bliss, after her seizure by the Canadian authorities:	
155	Mr. Holt to Mr. Fish	June 20	Her seizure for alleged violation of fishery laws. Dominion flag hoisted over American flag.	200
156	Mr. Holt to Mr. Hale	June 20	Detail of her seizure and of his action in the premises.	200
157	Mr. Holt to Mr. Fish	June 21	Dominion flag still floating over the American flag.	201
158	Mr. Fish to Mr. Holt	June 21	Asks for report of full particulars	201
159	Mr. Holt to Mr. Fish	June 22	Furnishes more complete report concerning her seizure, and the insult imposed upon the American flag.	201
160	Mr. Holt to Mr. Hale	June 24	Makes a very full report concerning her seizure, and the hoisting of the Dominion flag over the American flag; also, his action in the premises.	202
161	Mr. Hale to Mr. Holt	June 29	Approves his proceedings in bringing the subject to the attention of the Canadian authorities.	204

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162	Sir Edward Thornton to Mr. Fish.	1872. July 20	Incloses copy of dispatch from Lord Dufferin, and copy of the report of a committee of the privy council in which it is stated that the Canadian government disavows any intention of showing disrespect to the flag of the United States.	205
163	Mr. Fish to Sir Edward Thornton.	July 24	Expresses his gratification with the prompt measures which he has taken, in conjunction with the Canadian authorities, in disavowing any intention on the part of his government in offering insult to the American flag.	206
164	Sir Edward Thornton to Mr. Fish.	Oct. 15	Incloses copy of further dispatch from Lord Dufferin and report of the privy council, in which it is stated that the seizing officer will be severely reprimanded for his insult to the American flag.	206
165	Mr. Fish to Sir Edward Thornton.	Oct. 19	Expresses the satisfaction of the United States Government with the disposition which has been made of the case.	207
166	Sir Edward Thornton to Mr. Fish.	Mar. 6	4. Slave-trade on east coast of Africa : The conclusions of the British government upon the unsatisfactory position of affairs. Cruelties exercised by slave-traders. The British government would be pleased to receive suggestions from the United States Government relative to combined diplomatic action against the slave-trade.	208
167	Mr. Fish to Sir Edward Thornton.	Mar. 29	The President entirely concurs in the views expressed by the British government with regard to the inhumanity of that traffic. The consul at Zanzibar will be instructed to intimate to the sovereign of that country that we would be glad to see that provision of the treaty between him and Great Britain terminated which reserved the right of transportation by sea between certain limits of his own territory of domestic slaves.	210
168	Mr. Fish to Mr. Robeson....	Mar. 30	Requests that he will issue an order to the first man-of-war which shall visit Zanzibar or Muscat to the same effect as the instruction above alluded to, to be issued to the consul at Zanzibar.	211
169	Sir Edward Thornton to Mr. Fish.	April 5	Expresses his thanks to Mr. Fish for having instructed the consul at Zanzibar in accordance with the wishes of the British government.	212
170	do	April 6	Incloses copy of treaty with the Imam of Muscat for the suppression of the slave-trade.	212
171	Mr. Fish to Mr. Robeson....	April 6	Requests him to modify any orders he may have given to a commandant in the Navy about to visit Zanzibar or Muscat, with regard to the abrogation of the treaty between the sovereign of that country and Great Britain for the suppression of the slave-trade.	213
172	Mr. Robeson to Mr. Fish....	May 6	Informing him that his wishes in regard to the subject shall be complied with.	213

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174	do	Oct. 29	Instructions have been sent to the commandant of the Yantic to visit Zanzibar for the purpose indicated.	214
175	do	Oct. 30	The commander of the Yantic acknowledges the receipt of the Department's modification of his orders that he should visit Zanzibar instead of Muscat.	215
176	Mr. Fish to Sir Edward Thornton.	Oct. 30	Informing him of the action taken by the Navy Department.	215
177	Mr. Pakenham to Mr. Fish..	1871. Nov. 14	5. Fisheries in waters adjacent to the British North American possessions: Has been directed to inquire whether a proposal will be made to Congress to refund the duties collected on exports of fish-oil and fish from Prince Edward Island and Newfoundland into the United States during the present fishing season. Incloses copy of correspondence between Isaac C. Hall, an American merchant, residing at Charlottetown, and the lieutenant-governor of that colony, on the subject.	215
178	Mr. Fish to Mr. Pakenham..	Nov. 24	States that inasmuch as the Dominion of Canada has not assented to the proposal of the United States by adopting such relaxations and regulations as would give American fishermen liberty to fish during the present season in accordance with the spirit of the treaty, the President is not willing to recommend for one colony what he is not willing to have apply to all.	217
179	Mr. Fish to Sir Edward Thornton.	1872. Mar. 15	Incloses copies of circular of Treasury Department for information of United States citizens engaged in fishing near the British North American provinces.	217
180	Sir Edward Thornton to Mr. Fish.	April 12	Upon the subject of the President's unwillingness to recommend to Congress the refunding of duties collected on importations of fish-oil and fish from Prince Edward Island.	219
181	do	July 10	Her Majesty's government have been forced to adopt measures for protection of the Prince Edward Island fisheries.	220
182	Mr. Fish to Sir Edward Thornton.	July 18	There seems to be an unaccountable misconception on the part of Great Britain as to the obligations assumed by the United States. It is hoped that unnecessary and unprofitable irritation upon the subject may be avoided.	221
183	Sir Edward Thornton to Mr. Fish.	July 19	The instructions of his government are to the effect that all unnecessary cause of irritation should be avoided.	222

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184	Mr. Francis to Mr. Fish	1871. Nov. 8	Speech of the King at the opening of the session of the Chamber of Deputies.	223
185	do	Nov. 11	Account of his presentation. His cordial reception by the King and Queen.	224
186	do	Dec. 2	The popularity with which our system of free education is received in that country.	225
187	do	Dec. 23	Brigandage, its tendency to paralyze business.	226
188	do	1872. Jan. 13	Account of a scrimmage with the military. Educational system of Greece. Transmits copy of correspondence had with the minister of public instruction, with tabular statement showing the number of schools and pupils.	229
189	do	Feb. 3	Brigandage. Excursion of a party of Americans into the interior. An escort of cavalry furnished by the government. Stringent measures being adopted for its suppression.	233
190	do	Mar. 2	His cordial reception by the archbishop of Athens. The very complimentary manner in which the archbishop alluded to the American people.	233
191	do	Mar. 2	Advantages to be obtained by the United States in a reduction of duties upon imports. Correspondence upon the subject had with the minister for foreign affairs.	234
192	do	Mar. 23	Elections in that country. An account of their system of conducting the same.	237
193	do	April 6	Address delivered by the King on the occasion of the opening of the new chamber of deputies.	238
194	do	May 4	Brigandage. Exaggerated and false reports are being published by the press of America. A list of brigands lately captured and killed by the government.	239
195	do	May 11	Same subject. Incloses extracts from certain newspapers published at Athens with regard to recent troubles.	240
196	do	May 18	Same subject. Turkish authorities responsible for the existence of brigandage on the border. Incloses translation of report of the Greek military commander to the minister of war.	242
197	do	May 25	Indirect claims presented to the Tribunal of Arbitration at Geneva. The manner in which a claim of similar character was enforced by the British government against Greece.	244
198	do	June 29	The prosecution of three American missionaries for "heterodox teaching." Incloses translation of the "synodic complaint," and extracts from the constitution of Greece.	246
199	Mr. Fish to Mr. Francis	July 22	Same subject. Instructs him to maintain the rights of citizens in the exercise of their religion as guaranteed by the constitution of Greece.	249
200	Mr. Francis to Mr. Fish	June 29	Shipment of nine Greek criminals to the United States. The minister of justice denies that such is the case.	249

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392	do	May 11	Declaration of war with Honduras. Transmits copy of the proclamation and address of President Gonzalez.	531
393	do	May 11	Arrival of an envoy from Nicaragua to offer the mediation of that republic for peace. Mr. Biddle offers to co-operate in any honorable effort to reconcile belligerents.	534
394	do	May 20	President Gonzalez takes the field in person at the head of the Salvadorian army; favorable results anticipated.	535
395	Mr. Fish to Mr. Biddle	May 24	The case of Ex-President Dueñas; instructs him to remind the Salvadorian government of its pledge not to imperil the life of Dueñas.	536
396	Mr. Biddle to Mr. Fish	June 10	The military situation of Salvador; the success of Gonzalez; the expulsion from Salvador of the two Jesuits.	536
397	do	June 20	Case of Ex-President Dueñas; likelihood of a protracted trial.	537
398	do	June 20	Return of President Gonzalez to Salvador; triumphant victories; peace confidently expected.	538
399	do	June 21	Proclamation of peace with Honduras	538
400	do	June 29	Inter-oceanic railway; alleged violation of neutrality; correspondence with the ministry of foreign relations upon the subject.	539
401	do	July 22	President Gonzalez resumes his official functions. Copy of the governmental decree.	541
402	Mr. Hunter to Mr. Biddle...	Aug. 7	Inter-oceanic railway; alleged violation of neutrality; his proceedings in the premises approved.	543
403	Mr. Biddle to Mr. Fish	Aug. 8	Further successes of the Salvadorian troops; capture of Ex-President Medina of Honduras.	543
404	do	Sept. 6	Call of a national constituent assembly to reform the constitution of Salvador; address of President Gonzalez.	543
405	do	Sept. 7	Assassination of Vice-President Mendez; his great loss to Salvador.	547

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416	Mr. Adee to Mr. Fish	Sept. 2	Amnesty for political offenses. Incloses copy of a general decree.	542
417	Mr. Sickles to Mr. Fish	Nov. 20	Abolishment of slavery in the island of Porto Rico. Transmits copy of address presented to the government of Spain by the people of that island.	550
		1872.		
418	Mr. Fish to Mr. Adee	April 1	Atrocities practiced in the island of Cuba. Measures taken by Spain for their suppression.	551
419	Mr. Adee to Mr. Fish	April 18	Same subject. Case of the students murdered in the island of Cuba.	551
420	do	April 22	Political disturbances; an insurrection apprehended; arrest and imprisonment of a number of Carlists.	552
421	Mr. Sickles to Mr. Fish	June 8	Same subject. Formation of a new cabinet.	553
422	do	June 12	Same subject. Cuban affairs; difficulty in negotiating a loan for prosecuting the war in Cuba.	556
423	do	June 19	Cuban affairs. Transmits a copy of an article taken from the Epoca, describing the military and economical situation in Cuba.	556
424	do	June 20	Formation of another new cabinet. Dissolution of the Cortes and a new election ordered. A new series of reforms promised.	559
425	do	July 11	States that he held a reception on the occasion of the anniversary of our national independence; who were present.	561
426	do	Aug. 16	Cuban affairs. Transmits copy of decree authorizing Cuba to issue bonds amounting to sixty millions of dollars. Provisions made in the decree for leasing embargoed estates for a term of years.	562
427	do	Aug. 18	Emancipation law in Cuba and Porto Rico. Will forward copy of same when published.	566
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429	Mr. Fish to Mr. Sickles	Aug. 31	Same subject. Instructs him to express the gratification of the United States Government at the steps taken by Spain in this direction.	574
430	Mr. Sickles to Mr. Fish	Oct. 6	Same subject. Transmits copy of extracts from an address to the Crown on the subject.	574
431	do	Oct. 8	Standing army for the provinces of Cuba and Porto Rico. Transmits copy of decree organizing the same.	576
432	Mr. Fish to Mr. Sickles	Oct. 20	Extensive reforms to be put in operation in the Spanish colonies by the new ministry.	580
433	Mr. Sickles to Mr. Fish	Nov. 12	Slavery in Cuba and Porto Rico. Incloses tabular statement showing the population of both white and colored of those islands. Also list of owners who have voluntarily manumitted slaves in Porto Rico.	584

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435	Articles of armistice	Apr. 11	Articles of armistice between Spain and the allied republics of South America.	592

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436	Mr. Andrews to Mr. Fish	Jan. 18	Incloses copy of the King's speech made at the opening of the Diet. Prosperity of the country.	594
437	do	Feb. 22	Incloses a statement of grain, live stock, and dairy exports for previous year. Flourishing condition of the agricultural districts.	594
438	do	Mar. 20	Ill-treatment of Swedes in Chicago by contractors. Incloses copy of an article taken from a Chicago paper relative thereto.	596
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440	do	April 8	Neutrality law of Sweden. Transmits copy for use at Geneva.	599
441	do	May 10	Prosperity of Sweden. Wages increased 25 per cent.	601
442	do	Aug. 5	Forest and forest culture in Sweden. Transmits a copy of his report concerning the same.	601

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445	Mr. Rublee to Mr. Fish	Nov. 4	Same subject. Transmits copy of his note to the minister for foreign affairs.	649

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PROCLAMATIONS, ETC.

No. 1.

By the President of the United States of America.

A PROCLAMATION.

Whereas satisfactory information has been received by me through Don Mauricio Lopez Roberts, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, that the government of that country has abolished discriminating duties heretofore imposed on merchandise imported from all other countries, excepting the islands of Cuba and Porto Rico, into Spain and the adjacent islands, in vessels of the United States, said abolition to take effect from and after the 1st day of January next:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto, of the 24th day of May, 1828, do hereby declare and proclaim that, on and after the said 1st day of January next, so long as merchandise imported from any other country, excepting the islands of Cuba and Porto Rico, into the ports of Spain and the islands adjacent thereto in vessels belonging to the citizens of the United States, shall be exempt from discriminating duties, any such duties on merchandise imported into the United States in Spanish vessels, excepting from the islands of Cuba and Porto Rico, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of December, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States of America the ninety-sixth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

No. 2.

By the President of the United States of America.

A PROCLAMATION.

Whereas, pursuant to the first section of the act of Congress approved the 11th day of June, one thousand eight hundred and sixty-four, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the

United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States, the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation;

And whereas due inquiry having been made, and a satisfactory answer having been received, that similar provisions are in force in the United Kingdoms of Sweden and Norway:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington, this eleventh day of May, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-sixth.

[SEAL.]

U. S. GRANT.

By the President :

HAMILTON FISH,

Secretary of State.

No. 3.

By the President of the United States of America.

A PROCLAMATION.

Whereas satisfactory information has been received by me from His Majesty the Emperor of Japan, through an official communication of Mr. Arinori Mori, His Majesty's chargé d'affaires, under date of the 2d instant, that no other or higher duties of tonnage or impost are imposed or levied in the ports of the empire of Japan, upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, than are levied on Japanese ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 24th day of May, 1828, do hereby declare and proclaim that, from and after the said 2d instant, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Japanese vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessel, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the 4th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-seventh.

[SEAL.]

U. S. GRANT.

By the President :

CHARLES HALE,

Acting Secretary of State.

No. 4.

By the President of the United States of America.

A PROCLAMATION.

Whereas, upon information received by me from His Majesty the Emperor of the French, that discriminating duties before the date of said information levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States were discontinued and abolished, and in pursuance of the provisions of an act of Congress of the 7th of January, 1824, and of an act in addition thereto, of the 24th of May, 1828, I did, on the 12th day of June, 1869, issue my proclamation declaring that the discriminating duties before that date levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels were thereby discontinued and abolished;

And whereas, upon information subsequently received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the country of its origin or from other countries, had been discontinued, I did, on the 20th of November, 1869, in pursuance of the provisions of the said acts of Congress, and by the authority in me vested thereby, issue my proclamation declaring that the discriminating duties before that date levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, were thereby discontinued and abolished;

And whereas, by the provisions of the said acts of Congress of January 7, 1824, and of the 24th of May, 1828, as well as by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, the said suspension of discriminating duties upon merchandise imported into the United States in French vessels was granted by the United States on condition that, and to continue so long as, merchandise imported into France in vessels of the United States should be admitted into the ports of France on the same terms of exemption from the payment of such discriminating duties;

And whereas, information has been received by me that, by a law of the French Republic, passed on the 30th of January, 1872, and published on the 3d of February, 1872, merchandise imported into France in vessels of the United States, from countries other than the United States, is (with the exception of certain articles enumerated in said law) subjected to discriminating duties;

And whereas, by the operation of said law of the French Republic of the 30th of January, 1872, the exemption of French vessels and their cargoes granted by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, in accordance with the provisions of the acts of Congress aforesaid, has ceased to be reciprocal on the part of France toward vessels owned by citizens of the United States and their cargoes:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the seventh day of January, one thousand eight hundred and twenty-four, and by an act in addition thereto of the twenty-fourth day of May, one thousand eight hundred and twenty-eight, do hereby declare and proclaim that on and after this date the said suspension of the collection of discriminating duties upon merchandise imported into the United

States in French vessels from countries other than France, provided for by my said proclamations of the twelfth day of June, one thousand eight hundred and sixty-nine, and the twentieth day of November, one thousand eight hundred and sixty-nine, shall cease and determine, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States are hereby revived, and shall henceforth be and remain in full force, as relates to goods and merchandise imported into the United States in French vessels from countries other than France, so long as any discriminating duties shall continue to be imposed by France upon goods and merchandise imported into France in vessels of the United States from countries other than the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirtieth day of October, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-seventh.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

No. 5.

[CIRCULAR No. 13.]

DEPARTMENT OF STATE,
Washington, October 14, 1871.

To the Diplomatic and Consular Officers of the United States:

GENTLEMEN: I transmit herewith for your instruction, and for the information of all persons interested, a copy of an executive order, which was issued yesterday by the President of the United States, prescribing a fee of five dollars, in addition to the fees heretofore authorized, to be charged by the diplomatic and consular officers of the United States for each passport issued or granted by them in a foreign country.

This order is to take effect immediately.

I am, gentlemen, your obedient servant,

HAMILTON FISH.

EXECUTIVE ORDER.

In pursuance of the authority conferred upon me by the 16th section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, I do hereby prescribe, in addition to the fees heretofore prescribed, that the sum of five dollars shall be charged for the granting or issuing of each passport granted or issued in any foreign country, by any diplomatic or consular officer of the United States.

U. S. GRANT.

EXECUTIVE CHAMBER,
Washington, D. C., October 13, 1871.

No. 6.

[CIRCULAR No. 15.]

DEPARTMENT OF STATE,
Washington, December 15, 1871.

SIR: Information has reached this Department that the purpose of its Circular No. 11, of the 16th of June last, relative to the protection of citizens of Switzerland, may, in some instances, have been misunderstood. You are consequently informed that you were not, for that purpose, expected to become a diplomatic or consular officer of that republic, which is prohibited by the Constitution to officers of the United States who are citizens. The intention was that you should merely use your good offices in behalf of any Swiss in your vicinity who might request them in the absence of a diplomatic or consular representative of Switzerland, and with the consent of the authorities where you reside.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 7.

[CIRCULAR No. 16.]

DEPARTMENT OF STATE,
Washington, January 10, 1872.

Information reaches the Department of State that persons present themselves in some foreign countries to the diplomatic or consular representatives of this Government with certificates of citizenship issued by local or municipal officers, such as the mayor of a city, and ask to be registered as American citizens, and desire to travel under the protection of such certificates.

The laws of the United States authorize the Secretary of State alone to grant or issue passports in the United States, and prohibit all persons "acting, or claiming to act, in any office or capacity, under the United States, or any of the States of the United States, who shall not be fully authorized so to do," from granting or issuing "any passport or other instrument in the nature of a passport, to or for any citizen of the United States or to or for any person claiming to be or designated as such, in such passport or verification."

As the diplomatic and consular representatives of the United States are expressly forbidden to recognize any certificates of citizenship other than those issued in the form of passports, by authority of law, persons who visit foreign countries in which passports are required, are exposed to risk, and the possibility of serious detention and annoyance, if not provided with a legal passport. Certificates given by State, municipal, or local officers afford no protection and cannot be recognized by the diplomatic or consular representatives of the United States.

All citizens leaving the United States for foreign countries are advised to provide themselves with passports, which are issued by the Department of State on application, accompanied by the proper evidence, without charge.

HAMILTON FISH,
Digitized by *Secretary*

No. 8.

[CIRCULAR No. 17.]

[Addressed to each of the diplomatic representatives of foreign countries in the United States.]

DEPARTMENT OF STATE,
Washington, January 30, 1872.

SIR: As the special tax formerly imposed upon each passport issued to citizens of the United States has been repealed by Congress, this Department, in pursuance of law, has so modified its regulations that, hereafter, any passport issued to a citizen of the United States from this Department will be considered valid for one year from its date, though the same may have been used on a former absence of the holder from the United States. I would therefore thank you to inform the consuls serving your government in this country of this modification of a former regulation of this Department, to the end that they may continue to abstain from attaching their *visé* to passports issued by this Department which are a year or more old when presented for *visé*, but that they need no longer refrain from attaching the *visé* to passports which are less than a year old on the ground that they have been used on a former absence of the holder from the United States.

Accept, sir, a renewed assurance of my distinguished consideration.

HAMILTON FISH.

No. 9.

[CIRCULAR No. 18.]

DEPARTMENT OF STATE,
*Washington, February 16, 1872.**To the Diplomatic and Consular Officers of the United States :*

GENTLEMEN: Occasions having arisen in which it was found desirable for the diplomatic and consular officers of the United States to possess authentic information concerning the laws in force in the several States and Territories of the United States as to the age at which males and females, whether unmarried or married, attain their majority, the Department, some time since, addressed a circular letter to the executives of the several States and Territories, from which the following information has been extracted :

STATES.

Alabama.—Males under 17 years, and females under the age of 14, cannot contract marriage. Both males and females attain their majority at 21 years of age.

Arkansas.—Males at the age of 21 years, and females at 18, attain their majority.

California.—Males attain their majority at the age of 21 years, and females at 18.

Connecticut.—Males and females, unmarried or married, attain their majority at 21 years of age.

Delaware.—Males attain their majority at 21 years of age, females at 21 or marriage.

Florida.—Males and females, married or unmarried, attain their majority at 21 years of age.

Georgia.—Males and females, married or unmarried, attain their majority at 21 years of age.

Illinois.—Males attain their majority at 21 years of age, and females at 18.

Indiana.—Males and females, married or unmarried, attain their majority at 21 years of age.

Iowa.—The period of minority extends in males to the age of 21 years, and in females to 18, but all minors attain their majority by marriage.

Kansas.—Males attain their majority at 21 years of age, and females at 18, whether married or unmarried.

Maine.—Males attain their majority at 21 years of age, and females, for the purposes of marriage, at 18, and for all other purposes, at 21.

Maryland.—Males attain their majority at 21 years of age, and females at 18.

Massachusetts.—Males and females attain their majority, whether married or unmarried, at 21 years of age.

Michigan.—Males and females attain their majority at 21 years of age. (The age, however, so far as relates to females, is established rather by implication than direct averment of statute.)

Minnesota.—Males attain their majority at 21 years of age, and females at 18. (Males, however, are qualified under the law to contract marriage at 18 and females at 15.)

Missouri.—Males attain their majority at 21 years of age, and females at 18.

Mississippi.—Males and females obtain their majority, whether married or unmarried, at 21 years of age. Females are allowed to marry without consent of parents or guardian at 18.

Kentucky.—Males attain their majority at 21 years of age, females at 18. (Males can marry at 18, and females at 14.)

Louisiana.—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 14, and females at 12.)

New Hampshire.—Males attain their majority at 21 years of age, and females at 18.)

New Jersey.—Males and females attain their majority at 21 years of age. (Females can marry without consent of parents or guardian at 18.)

New York.—Males and females attain their majority, whether married or unmarried, at 21 years of age. (Males may dispose of personal estate, by will, at 18 and upwards, and females at 16. Marriage of females under 14, without consent of parents or guardian, may be declared void by the courts.)

North Carolina.—Males or females attain their majority, whether married or unmarried, at 21 years of age.

Nebraska.—Males attain their majority at 21 years of age, females, married, at 16; unmarried at 18.

Nevada.—Males attain their majority at 21 years of age, and females at 18.

Ohio.—Males attain their majority, whether married or unmarried, at 21 years, and females at 18.

Oregon.—Males attain their majority at 21 years of age, and females at 18, or on their marriage.

Pennsylvania.—Males and females attain their majority at 21 years of age. (In cases of apprenticeship the male, under the law, is released at 21, and the female at 18.)

Rhode Island.—Males and females, married or unmarried, attain their majority at 21 years of age. (But both male and female may make a will of their personal property at 18.)

South Carolina.—Males and females, married or unmarried, attain their majority at 21 years of age.

Tennessee.—Males and females, married or unmarried, attain their majority at 21 years of age.

Texas.—Males and females attain their majority at 21 years of age. (Minor female upon marriage becomes of full age.)

Vermont.—Males attain their majority at 21 years of age, and females at 18.

Virginia.—Males and females attain their majority, married or unmarried, at 21 years of age.

West Virginia.—Males and females attain their majority at 21 years of age. (Minors, 18 years of age and upward, may dispose of personal property by will. No marriage can be solemnized between parties, either of whom is under 21 years of age, unless with the consent of father, guardian, or mother.)

Wisconsin.—Males attain their majority at 21 years of age, and females at 18. (Marriage of a minor does not affect the state of majority.)

TERRITORIES.

Colorado.—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 16, and females at 14.)

Dakota.—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 16, and females at 14.)

Idaho.—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 16, and females at 14.)

Montana.—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 18, no age fixed for females.)

New Mexico.—Males attain their majority at 21 years of age, and females at 18. (Males must be 21 years of age to marry without consent of parents, but no age fixed for females.)

Utah.—Males attain their majority at 21 years of age, and females at 18. (A minor may make contract for personal services.)

Washington.—Males attain their majority at 21 years of age, and females at 18. (All females married to a person of full age shall be deemed and taken to be of full age. Males and females under age must have consent of parents or guardian to marry.)

I am, gentlemen, your obedient servant,

HAMILTON FISH.

No. 10.

[CIRCULAR No. 21.]

DEPARTMENT OF STATE,
Washington, April 15, 1872.

To the Diplomatic and Consular Officers of the United States :

Letters rogatory for the purpose of taking the testimony of persons residing in the United States, which may be material in suits pending

in the courts of foreign countries, are frequently sent to this Department, usually with a note from the minister for foreign affairs of the foreign country or from its diplomatic representative here, requesting that the business may be attended to. It is not, however, the province of the Department of State to dispose of matters of this kind. Frequently witnesses whose testimony is sought reside in places far from this city, rendering it impracticable to have the testimony taken within the time at which it is required, in order to make it available.

It is, therefore, deemed advisable to issue this circular, to which are appended the acts of Congress regulating the taking of testimony in such cases. Other information upon the subject, which will be found useful to persons interested, is contained in the following

DIRECTIONS.

The circuit courts of the United States are held in each of the States, and at the points in each State where the circuit court is held there is established permanently a clerk's office, so that in addressing a communication to that tribunal, the proper form would be, "To the Circuit Court of the United States for the State of ———."

United States courts are held in Maine, at Portland; in New Hampshire, at Portsmouth and Exeter; in Massachusetts, at Boston; in Rhode Island, at Newport and Providence; in Vermont, at Windsor and Rutland; in Connecticut, at New Haven; in New York, at Canandaigua, Albany, Utica, and the cities of New York and Brooklyn; in New Jersey, at Trenton; in Pennsylvania, at Philadelphia and Pittsburgh; in Delaware, at New Castle; in Maryland, at Baltimore; in West Virginia, at Lewisburgh; in Virginia, at Norfolk; in North Carolina, at Raleigh; in South Carolina, at Charleston; in Georgia, at Milledgeville; in Florida, at Apalachicola, Tallahassee, Saint Augustine, and Pensacola; in Alabama, at Mobile; in Louisiana, at New Orleans; in Mississippi, at Jackson; in Texas, at Galveston, Brownsville, Austin, and Tyler; in Ohio, at Cleveland and Cincinnati; in Michigan, at Detroit and Grand Rapids; in Kentucky, at Frankfort, Covington, Louisville, and Paducah; in Tennessee, at Knoxville, Nashville, and Memphis; in Indiana, at Indianapolis; in Illinois, at Chicago and Springfield; in Wisconsin, at Milwaukee and Madison; in Minnesota, at Saint Paul; in Iowa, at Des Moines; in Missouri, at Saint Louis and Jefferson City; in Kansas, at Topeka; in Arkansas, at Little Rock; in California, at San Francisco; in Oregon, at Portland; in Nevada, at Carson City.

There is also at least one district court in each State. In many of the States there are two, and in some three. When a State is composed of two districts, they are in some States called northern and southern; in others eastern and western; in one northern, southern, and eastern; in another northern, middle, and southern; and in another eastern, middle, and western.

The clerks of these courts, respectively, are authorized by the laws of the United States to take depositions, and may, with propriety, be designated as commissioners for that purpose in letters rogatory, which, when returned, are to be used in the courts of foreign countries. The letters rogatory may be addressed to the judge of either the circuit court of the United States for the State of ———, or the district court of the United States for the District of ———, (naming the State,) praying the judge of that court to name and appoint the commissioner, or such letters may be addressed to the commissioner directly.

The letter or package should in all cases be directed to the clerk of

the district or circuit court to which the letters rogatory are addressed. The clerk's office is at the place where the court holds its sessions.

I am, your obedient servant,

HAMILTON FISH.

AN ACT to facilitate the taking of depositions within the United States, to be used in the courts of other countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the Government of such foreign country shall be a party or shall have an interest, may be obtained to be used in such suit. If a commission or letters rogatory to take such testimony shall have been issued from the court in which said suit is pending, on producing the same before the district judge of any district where said witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness, requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. Such summons shall specify the time and place at which such witness is required to attend, which place shall be within one hundred miles of the place where said witness resides or shall be served with said summons.

SEC. 2. *And be it further enacted,* That if any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with this act, or if, upon his appearance he shall refuse to testify, he shall be liable to the same penalties, as would be incurred for a like offense on the trial of a suit in the district court of the United States.

SEC. 3. *And be it further enacted,* That every witness who shall appear and testify, in manner aforesaid, shall be allowed and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States.

SEC. 4. *And be it further enacted,* That whenever any commission or letters rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, shall have been executed by the court or the commissioner to whom the same shall have been directed, the same shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where said letters or commission shall have been executed, who, on receiving the same, shall indorse thereon a certificate, stating the time and place when and where the same was received; and that the said deposition is in the same condition as when he received the same; and he shall thereupon transmit the said letters or commission, so executed and certified, by mail to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so, as aforesaid, taken and returned, shall be read as evidence on the trial of the suit in which the same shall have been taken, without objection as to the method of returning the same.

Approved March 3, 1863.

AN ACT to prevent mistrials in the district and circuit courts of the United States, in certain cases.

SEC. 2. *And be it further enacted,* That where letters rogatory shall have been addressed from any court of a foreign country to any circuit court of the United States, and a United States commissioner designated by said circuit court to make the examination of witnesses in said letters mentioned, said commissioner shall be empowered to compel the witnesses to appear and depose in the same manner as to appear and testify in court.

Approved March 2, 1855.

No. 11.

[CIRCULAR NO. 22.]

DEPARTMENT OF STATE,
Washington, May 25, 1872.

To the Consul of the United States at ———, Mexico.

SIR: I inclose a translation of a note of the 20th instant, addressed to this Department by M. de Bellonnet, the chargé d'affaires of France, and the original and translation of the instruction to him by M. de Rémusat, the minister for foreign affairs of that country, to which it refers, upon the subject of the steps to be taken by French citizens who were born in the territories ceded to the German Empire, in order to preserve their nationality.

If there should be any Frenchmen of the description referred to within your consular district, you will communicate to them such information upon this subject as may enable them to avail themselves of the choice offered to them.

The form accompanying Mr. Rémusat's instruction seems to be explicit, and if the blank be filled up accordingly, it would require for its authentication merely a certificate in the usual form under your official seal. You will forward hither any declarations which may be made before you, in order that they may be communicated to the French government through the proper channel.

I am, sir, your obedient servant,

W. HUNTER,
Second Assistant Secretary.

Mr. Bellonnet to Mr. Fish.

[Translation.]

LEGATION OF FRANCE, Washington, May 20, 1872.

MR. SECRETARY OF STATE:

I have the honor herewith to transmit to you ten copies of the instructions of M. de Rémusat relative to the steps to be taken by French citizens who were born in the territories ceded to the German Empire, in order to preserve their nationality.

As it is desirable that natives of Alsace and Lorraine residing in Mexico may be enabled to comply with these instructions, I shall be obliged to you if you will be pleased to send the inclosed copies to the diplomatic and consular agents of the United States in Mexico, who have been pleased to undertake to protect French interests there. My government hopes that you will also have the kindness to recommend to them the execution of these formalities.

Be pleased to accept, Mr. Secretary of State, the assurance of my very high consideration.

HENRY DE BELLONNET.

Hon. HAMILTON FISH,
Secretary of State.

[Translation.]

Choice of nationality by natives of Alsace-Lorraine residing abroad.

TIME ALLOWED FOR MAKING THIS CHOICE.

Natives of the territory ceded to Germany, who do not reside in said territory, are divided into two classes as regards the time which will be allowed them to choose French nationality.

1st. Those who reside in continental France, or in any European country.

2d. Those who do not reside in Europe.

The time allowed to persons of the former class will expire October 1, 1872.

The time allowed to persons of the second class will not expire until October 1, 1873.

PERSONS ENTITLED TO CHOOSE.

By natives are meant persons born in the ceded territory, without distinction of **age** or sex. If such persons shall have made no declaration of their choice within the **time** allowed them for that purpose, they will be considered as Germans.

Those who were not born in the territory aforesaid have no declaration to make, **and** are French citizens by right.

MINORS.

As to minors, it has been agreed that their declaration of choice may be validly **made** with the assistance of their legal representatives, i. e., the guardians of non-emancipated minors, and the curators of emancipated minors.

MARRIED WOMEN AND WIDOWS.

Married women born in Alsace-Lorraine, who wish to have their nationality established beyond dispute, must, with the assistance of their husbands, make a declaration of their choice.

Widows have a still more evident interest in declaring their choice.

FORMS OF DECLARATION.

By the terms of the article of the additional agreement concluded at Frankfort, December 11, 1871, choice of French nationality may be made by persons residing abroad, by means of a declaration before a French diplomatic or consular officer, or by the enrollment of their names at the office of such a functionary.

Parties interested may, therefore, make their choice either by means of a declaration corresponding to the inclosed blank form, or by the enrollment or re-enrollment of their names in the usual form.

If it be preferred to make a declaration, three copies of this document must be prepared; this will be done on free paper, and without any expense to the party making the declaration.

One copy will be delivered to the party interested, another filed in the office of the diplomatic or consular functionary before whom the declaration shall have been made, and the third will be transmitted to the ministry of foreign affairs, under the stamp of the "contentieux" of political affairs.

As to enrollments at the offices of diplomatic or consular functionaries, an extract from the register in proof thereof must likewise be sent to the minister of foreign affairs.

[Translation.]

Treaties of May 10 and December 11, 1871.

CHOICE OF FRENCH NATIONALITY.

(1) Date, day of month. On the (1)

(3) Full name of party making declaration. before me, appeared (3)

(4) Place of birth. born at (4)

(5) Date of birth, or at least statement of the age of the party. on the (5)

(6) Add, in case of minors, when their declaration is made separately, "Assisted by his (or her) father or guardian." (6)

who, according to article 2 of the treaty of May 10, and article 1 of the additional agreement of December 11, 1871, has declared that he makes choice of French nationality, and that he intends to remain a French citizen.

(7) Add, when the declaration is made collectively by a father and his minor children, "This declaration is made in the name of Mr. —, both personally, and as the legal representative of his minor children."

NOTE.—Here give the name, birth-place, and date of birth of each one of the children.

(8) Or certificate of the mayor that he is unable to write.

Signature of the party making the declaration, (8)

Signature of the mayor.

, 1872,

No. 12.

[CIRCULAR No. 23.]

DEPARTMENT OF STATE,
Washington, July 1, 1872.

To the United States Consul at ———.

SIR: The subjoined regulations with reference to invoices, in addition to those heretofore in force, have been established by the Treasury Department, and are promulgated at its request. The consular officers of the United States are instructed to observe them.

The former of these regulations is based upon the act of 3d March, 1801, (2 Statutes at Large, 121,) and the latter upon the act of 3d March, 1863, (12 Statutes at Large, 737.) They should be noted in the margin of the printed volume of Consular Regulations, at paragraphs 477 and 485.

You will report to this Department the date at which you receive this circular, and you will be careful to communicate the regulations to the consular agents within the jurisdiction of your consulate.

I am, sir, your obedient servant,

CHARLES HALE,
Assistant Secretary.

1. The invoices of all imported goods subject to an *ad valorem* duty, which have been acquired otherwise than by purchase, must be made out in the currency of the place or country of exportation.

2. The invoices of all such goods, when purchased, must be made out in the currency which was actually paid therefor.

No. 13.

[CIRCULAR No. 24.]

DEPARTMENT OF STATE,
Washington, July 15, 1872.

To the United States Consul at ———.

SIR: A copy of an act of Congress approved by the President 7th June, 1872, entitled "An act to authorize the appointment of shipping-commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen," is subjoined to this circular, and your attention is invited to its provisions, especially those contained in sections fifteen, thirty-six, thirty-eight, forty-four, and forty-six, and in the note appended to Table D.

The act is appointed to take effect in sixty days after its passage, that is to say, on the 6th of August, 1872.

This circular is addressed to all consuls-general, consuls, and commercial agents of the United States, although few, if any, of its provisions will require action on the part of consular officers in inland places.

You will report to the Department the date at which you receive this circular, and you will be careful to communicate to the consular agents within your jurisdiction such information as will enable them to dis-

charge any duty that may become incumbent on them by the passage of this act.

I am, sir, your obedient servant,

CHARLES HALE,
Assistant Secretary.

[GENERAL NATURE—No. 114.]

AN ACT to authorize the appointment of shipping-commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the farther protection of seamen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several circuit courts of the United States, in which circuits there is a seaport or seaports for which there is a collector of customs, or in which there is a port of entry, shall appoint a commissioner for such seaport within their respective circuits as in their judgment may require the same, and which shall also be ports of ocean navigation; such commissioners to be termed "shipping-commissioners;" and may, from time to time, remove from office any of the said commissioners whom it may have reason to believe does not properly perform his duties; and shall provide for the proper performance of such duties until another person is duly appointed in his place; shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

SEC. 2. That every shipping-commissioner so appointed shall enter into bonds to the United States, conditioned for the faithful performance of the duties required in his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient securities therefor, to be approved by said judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Said oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath or affirmation shall have been taken.

SEC. 3. That any shipping-commissioner may engage a clerk or clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerk or clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this act; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner. Each shipping-commissioner shall provide a seal, with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States and the name of the seaport or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as prima-facie evidence of the official character of such instrument, and of the truth of the facts therein set forth.

SEC. 4. That every shipping-commissioner shall lease, rent, or procure at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith, and which premises shall be styled "the shipping-commissioner's office." And the general business of a shipping-commissioner shall be, first, to afford facilities for engaging seamen by keeping a register of their names and characters; secondly, to superintend their engagement and discharge, in manner hereinafter mentioned; thirdly, to provide means for securing the presence on board at the proper times of men who are so engaged; fourthly, to facilitate the making of apprenticeships to the sea-service; and to perform such other duties relating to merchant seamen and merchant ships as are hereby or may hereafter, under the powers herein contained, be committed to him.

SEC. 5. That such fees, not exceeding the sums specified in the table marked A in the schedule hereto annexed, shall be payable upon all engagements and discharges effected before shipping-commissioners as hereinafter mentioned, and such shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office; and the shipping-commissioner may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

SEC. 6. That every owner, consignee, agent, or master of a ship engaging or dis-

charging any seamen or seaman in a shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge, from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the table marked B in the schedule hereto annexed.

SEC. 7. That any shipping-commissioner, or any clerk or employé in any shipping-office, who shall demand or receive any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ships, excepting the lawful fees payable under this act, shall, for every such offense, incur a penalty not exceeding two hundred dollars.

SEC. 8. That in the case of any place or port in which no shipping-commissioner shall have been appointed, then the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such place or port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall for all purposes be deemed a shipping-commissioner within the meaning of this act; and any person other than a commissioner under this act who shall perform, or attempt to perform, either directly or indirectly, the duties which are by this act set forth as pertaining to a "shipping-commissioner," shall incur a penalty not exceeding five hundred dollars: *Provided*, That nothing in this act shall be construed as to prevent the owner, or consignee, or master of any ship, except such as are described in section twelve of this act, from performing himself, so far as the said ships are concerned, the duties of shipping-commissioner under this act.

SEC. 9. That every shipping-commissioner appointed under this act shall, if applied to for the purpose of apprenticing boys to the sea-service by any masters or owners of ships, or by any person or persons legally qualified, give such assistance as is in their power for facilitating the making of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardians of said boy have consented to said apprenticeship, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose: *Provided*, That said apprenticeship shall terminate when the apprentice becomes eighteen years of age. And the shipping-commissioner may receive from the persons availing themselves of such assistance the fees contained in table "C" in the schedule hereto annexed. And the shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

SEC. 10. That the master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, (if any,) and the name of said apprentice, with the date of the indenture and the assignment or assignments thereof (if any) shall be entered on the agreement; and no such assignment shall be made without the approval of a commissioner, the apprentice, his parents, or his guardian. And for any default in obeying the provisions of this section, the master shall, for each offense, incur a penalty not exceeding one hundred dollars.

SEC. 11. That if any person shall demand or receive, either directly or indirectly, from any seaman seeking employment as a seaman, or from any other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall, for every such offense, incur a penalty not exceeding one hundred dollars.

SEC. 12. That the master of every ship bound from a port in the United States to any foreign port, or of any ship of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be in the form, as near as may be, as hereunto in table "D" in the schedule annexed, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars, that is to say: First, the nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate; secondly, the number and description of the crew, specifying their respective employments; thirdly, the time at which each seaman is to be on board to begin work; fourthly, the capacity in which each seaman is to serve; fifthly, the amount of wages each seaman is to receive; sixthly, a scale of the provisions which are to be furnished to each seaman; seventhly, any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct as may be sanctioned by Congress as regulations proper

to be adopted, and which the parties agree to adopt; eighthly, any stipulations in reference to advance and allotment of wages, or other matters not contrary to law: *Provided*, That whenever the master of any vessel shall engage his crew, or any part of the same, in any customs district where no shipping-commissioner shall have been appointed under section one of this act, he may perform for himself the duties of such commissioner, in like manner as is provided by the proviso of section eighth of this act: *Provided further*, That this section shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or on the return of any vessel to a port in the United States may reshup and sail in the same vessel on another voyage without the payment of additional fees to the shipping-commissioner by either the seamen or the master.

SEC. 13. That the following rules shall be observed with respect to agreements: First, every agreement (except in such cases of agreements as are hereinafter specially provided for) shall be signed by each seaman in the presence of a shipping-commissioner; secondly, when the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master; thirdly, every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner, and shall be indorsed on or annexed to such agreement, and such certificate of acknowledgement shall be in form and manner following, to wit:

"State of ———, county of ———:

"On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

SEC. 14. That, first, if any person shall be carried to sea as one of the crew on board of any ship making a voyage as hereinbefore specified without entering into an agreement with the master of said ship, in the form and manner and at the place and times hereby in such cases required, the ship shall be held liable, and for each such offense shall incur a penalty not exceeding two hundred dollars: *Provided always*, That the ship shall not be held liable for any person carried to sea who shall have secretly stowed away himself without the knowledge of captain, mate, or of any of the officers of the ship, or who shall have falsely personated himself to the captain, mate, or officers of the ship for the purpose of being carried to sea; secondly, if any master, mate, or other officer of a ship knowingly receives, or accepts to be entered on board of any merchant ship, any seaman who has been engaged or supplied contrary to the provisions of this act, the ship on board of which such seaman shall be found shall, for every such seaman, be liable to and incur a penalty of a sum not exceeding two hundred dollars: *Provided further*, That in case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring such penalty.

SEC. 15. That every master of a merchant ship of the United States who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen before such officer; and the same rules as are hereinbefore contained with respect to the engagement of seamen before a shipping-commissioner in the United States shall apply to such engagements made before consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise made as hereby required; and every master who engages any seaman in any place in which there is a consular officer or commercial agent otherwise than as hereinbefore required, shall incur a penalty not exceeding one hundred dollars, for which penalty the ship shall be held liable; and all such agreements so made shall be void, and the seaman so engaged shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped.

SEC. 16. That all stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be

inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

SEC. 17. That no advance of wages shall be made or advance security given to any person but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman except in the presence of the shipping-commissioner.

SEC. 18. That if any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon unless he was a party to such breach.

SEC. 19. That whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the ship from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the ship from the said port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security, in any justice's or other competent court; and in any such proceeding it shall be sufficient for such person to prove the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and received by the seaman, and the seaman shall be presumed to have sailed in the ship from such port as aforesaid, and to be duly earning his wages, unless the contrary is proved.

SEC. 20. That the master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement (omitting signatures) to be placed or posted up in such part of the ship as to be accessible to the crew; and on default shall, for each offense, incur a penalty not exceeding one hundred dollars.

SEC. 21. That any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing such evidence as the court hearing the case deems satisfactory of having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

SEC. 22. That all seamen discharged in the United States from merchant ships engaged in voyages as described in section twelve of this act shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this act, except in cases where some competent court otherwise directs; and any master or owner of any such ship who discharges any such seaman belonging thereto, or, except as aforesaid, pays his wages within the United States in any other manner, shall incur a penalty not exceeding fifty dollars.

SEC. 23. That every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, incur a penalty not exceeding fifty dollars; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, to be called the "official log-book," as hereinafter provided, and shall, if required, produce such book at the time of the payment of wages, and also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

SEC. 24. That upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form hereto annexed, marked E; and if any master fails to sign and give to any such seaman such certificate and discharge, he shall, for each such offense, incur a penalty not exceeding fifty dollars: *Provided*, That the proviso annexed to section twelve, which applies to masters of vessels engaging seamen under that proviso, shall also apply to such masters of vessels in the discharge of seamen.

SEC. 25. That every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both

parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties, and any document purporting to be under the hand and official seal of a commissioner, such submission or award shall be prima-facie evidence thereof.

SEC. 26. That in any proceeding relating to the wages, claims, or discharge of any seaman, carried on before any shipping-commissioner, under the provisions of this act, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew, who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, for each offense incur a penalty not exceeding one hundred dollars, and, on application being made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

SEC. 27. That the following rules shall be observed with respect to the settlement of wages, that is to say: First, upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose: *Provided*, That both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner; secondly, such release so signed and attested shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement; thirdly, a copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy; fourthly, in cases in which discharge and settlement before a shipping-commissioner are hereby required, no payment, receipt, settlement, or discharge otherwise made, shall operate as evidence of the release or satisfaction of any claim; fifthly, upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

SEC. 28. That upon every discharge effected before a shipping-commissioner the master shall make and sign, in a form marked E. in schedule thereto annexed, a report of the conduct, character, and qualifications of the persons discharged, or may state on said form that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

SEC. 29. That every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant ship or ships of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States, and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and shall have served said three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant ship of the United States, anything to the contrary in any previous act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

SEC. 30. That a seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

SEC. 31. That no seaman shall by any agreement other than is provided by this act forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this act, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the

ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

SEC. 32. That no right to wages shall be dependent on the earning of freight by the ship, and every seaman and apprentice who would be entitled to demand and receive any wages if the ship on which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned; but in all cases of wreck or loss of ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

SEC. 33. That in cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

SEC. 34. That no seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

SEC. 35. That the master or owner of any ship making voyages as hereinbefore described in section twelve of this act, except foreign-going ships, shall pay to every seaman his wages within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens; and in the case of foreign-going ships, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him; and every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid; and such sum shall be recoverable as wages in any claim made before the court: *Provided*, That this section shall not apply to the masters or owners of any vessel where the seaman is entitled to share in the profits of the cruise or voyage.

SEC. 36. That any three or more of the crew of any merchant ship of the United States, as described in section twelve of this act, may complain to any officer in command of any of the ships of the United States Navy, or any American consular officer, or any shipping-commissioner, or any chief officer of the customs, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity; such officer shall thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding one hundred dollars; and upon every such examination as aforesaid the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge of the port at which such vessel is bound, and such report shall be received in evidence in any legal proceedings.

SEC. 37. That if the officer to whom any such complaint as last aforesaid is made certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

SEC. 38. That if any seamen, as aforesaid, while on board any ship, shall state to the master that they desire to make complaint, as aforesaid, to any consular officer, or naval officer of any ship of the United States, or any shipping-commissioner, against the master, the said master shall, if the ship is then at a place where there is any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such place as the service of the ship will permit, allow such seamen, or any of them, to go ashore, or send him or them ashore, in proper custody, so that he or they may be enabled to make such complaint; and shall in default incur a penalty not exceeding one hundred dollars.

SEC. 39. That in the following cases, that is to say, first, if, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for is reduced, (except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty,

or is lawfully under confinement for misconduct, either on board or on shore;) secondly, if it is shown that any of such provisions are, or have been during the voyage, bad in quality, and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages, that is to say: First, if his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day; secondly, if his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day; thirdly, in respect of such bad quality, as aforesaid, a sum not exceeding one dollar a day. But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

SEC. 40. That every ship belonging to a citizen or citizens of the United States, as described in section twelve of this act, shall be provided with a chest of medicines; and every sailing-ship bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, as Congress may sanction, to be served out to every seaman as follows, that is to say, the master of every such ship, as last aforesaid, shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues, the lime or lemon juice and sugar daily at the rate of half an ounce each per day, and the vinegar weekly at the rate of half a pint per week for each member of the crew.

SEC. 41. That if on any such ship as aforesaid such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are hereinbefore required, are not provided and kept on board, as hereinbefore required, the master or owner shall incur a penalty not exceeding five hundred dollars; and if the master of any such ship as aforesaid neglects to serve out the lime or lemon juice, and sugar and vinegar, in the case and manner hereinbefore directed, he shall for each such offense incur a penalty not exceeding one hundred dollars; and if any master is convicted in either of the last-mentioned penalties, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

SEC. 42. That every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, incur a penalty not exceeding fifty dollars. And every vessel bound on any foreign port shall also be provided with at least one suit of woolen clothing for each seaman for use during the winter months, and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

SEC. 43. That whenever any seaman or apprentice belonging to or sent home on any merchant ship, whether a foreign-going ship or home-trade ship, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, containing the following particulars, that is to say: First, a statement of the amount of money so left by the deceased; secondly, in case of a sale, a description of each article sold, and the sum received for each; thirdly, a statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom; and shall cause such entry to be attested by the mate and one of the crew.

SEC. 44. That in cases provided for by the last preceding section, the following rules shall be observed: First, if the ship proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of, or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States; secondly, if the ship touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the said effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and

the master shall, within forty-eight hours after his arrival at his port of destination in the United States, produce the same to the shipping-commissioner there; and such consular officer shall in such case indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment; thirdly, if such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there; fourthly, the master shall in all cases in which any seaman or apprentice dies during the progress of the voyage or engagement, give to such officer or shipping-commissioner as aforesaid an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid, and no deductions claimed in such account shall be allowed unless verified, if there is any official log-book, by such entry therein as hereinbefore required; and also by such other vouchers (if any) as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered; fifthly, upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect, and no officer of customs shall clear inward any foreign-going ship without the production of such certificate.

SEC. 45. That if any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the judicial circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and such master shall, in addition, for every such offense, incur a penalty not exceeding treble the value of the money or effects, or, if such value is not ascertained, not exceeding two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is hereinbefore mentioned as incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are enabled to recover wages due to them.

SEC. 46. That if any such seaman or apprentice as last aforesaid dies at any place out of the United States, leaving any money or effects not on board of his ship, the United States consul or commercial agent at or nearest the place shall claim and take charge of such money and effects; and such officer shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this act, and shall quarterly remit to the judge of the district court of the port from which such ship sailed or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands under the provisions hereinbefore contained, and shall render such accounts thereof as the district judge requires.

SEC. 47. That whenever any seaman or apprentice dies in the United States, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

SEC. 48. That every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the said money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to said money and effects; and should any commissioner fail to pay, remit, and deliver to the circuit court within the time hereinbefore mentioned, he shall incur a penalty not exceeding treble the amount of the value of such money and effects.

SEC. 49. That if the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of said effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his said money and effects, as the said court thinks fit to allow, the said court may, if it thinks fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves to the satisfaction

of the court either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any) or under the statute for the distribution of the effects of intestates or under any other statute or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or may, if he thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

SEC. 50. That in cases of wages or effects of deceased seamen or apprentices received by the circuit courts, to which no claim is substantiated within six years after the receipt thereof by any of the said courts, it shall be in the absolute discretion of any of such courts, if any subsequent claim is made, either to allow or refuse the same; and each of the respective courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in the opinion of such court, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, which moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

DISCIPLINE OF SEAMEN.

SEC. 51. That whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offenses, he shall be liable to be punished as follows, that is to say: First, for desertion, he shall be liable to imprisonment for any period not exceeding three months, and also to forfeit all or any part of the clothes or effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; secondly, for neglecting and refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave, and without sufficient reason, from his ship, or from his duty, not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding one month, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and, in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute; thirdly, for quitting the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay; fourthly, for willful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding two months; and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding four days' pay; fifthly, for continued willful disobedience to lawful commands, or continued willful neglect of duty, he shall be liable to imprisonment for any period not exceeding six months, and also, at the discretion of the court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding twelve days' pay, or any expenses which have been properly incurred in hiring a substitute; sixthly, for assaulting any master or mate, he shall be liable to imprisonment for any period not exceeding two years; seventhly, for combining with any other or others of the crew to disobey lawful commands or to neglect duty, or to impede navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve months; eighthly, for willfully damaging the ship or embezzling or willfully damaging any of the stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve months; ninthly, for any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and shall also be liable to imprisonment for a period not exceeding twelve months.

SEC. 52. That upon the commission of any of the offenses enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may

thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

SEC. 53. That whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea, in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner, or consignee, or shipping-commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant, and may thereupon, in any case, and shall, in case he so requires and it is practicable, convey him before any court of justice or justices of any State, city, town, or county, within the United States capable of taking cognizance of offenses of like degree and kind of the matter, to be dealt with according to the provisions hereinbefore contained in reference to such cases; and may, for the purpose of conveying him before such court of justice, detain him in custody for a period not exceeding twenty-four hours, or shorter time, as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if such apprehension appears to the court of justice before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be made, shall incur a penalty not exceeding one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

SEC. 54. That any master of, or any seaman or apprentice belonging to, any merchant-ship who, by willful breach of duty, or who, by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage to such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, and shall be liable to imprisonment for a period not exceeding twelve months.

SEC. 55. That all clothes, effects, and wages which, under the provisions of this act, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and the balance (if any) shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such ship terminates; and the shipping-commissioner shall account to and pay over such balance to the judge of the circuit court within one month after said commissioner receives the same, to be disposed of by him in the same manner as is hereinbefore provided for the disposal of the money, effects, and wages of deceased seamen; in all other cases of forfeiture of wages, under the provisions hereinbefore contained, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable; and in case any master or owner neglects or refuses to pay over to the shipping-commissioner such balance aforesaid, he shall incur a penalty of double the amount of such balance, which shall be recoverable by the commissioner in the same manner that seamen's wages are recovered.

SEC. 56. That any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

SEC. 57. That whenever in any proceeding relating to seamen's wages, it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

SEC. 58. That every ship making voyages as described in section twelve of this act shall have an "official log-book;" and every master of such ship shall make, or cause to be made therein, entries of the following matters, that is to say: First, every legal conviction of any member of his crew, and the punishment inflicted; secondly, every offense committed by any member of his crew for which it is intended to prosecute, or to

enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as hereinbefore required; thirdly, every offense for which punishment is inflicted on board, and the punishment inflicted; fourthly, a statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion of such particulars; fifthly, every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment, (if any;) sixthly, every case of death happening on board, with the cause thereof; seventhly, every birth happening on board, with the sex of the infant, and the names of the parents; eighthly, every marriage taken place on board, with the names and ages of the parties; ninthly, the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof; tenthly, the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom; eleventhly, the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

SEC. 59. That every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port be made more than twenty-four hours after such arrival.

SEC. 60. That if in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, incur a penalty not exceeding twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge, more than twenty four hours after such arrival, shall, for each offense, incur a penalty not exceeding one hundred and fifty dollars.

PROTECTION OF SEAMEN.

SEC. 61. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same, except such advanced securities as are provided for in this act.

SEC. 62. That every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, incur a penalty not exceeding two hundred dollars, and shall be liable to imprisonment for any period not exceeding six months; and the master or person in charge of said ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any constable or police-officer, to be by him taken before any justice of the peace, and to be dealt with according to the provisions of this act.

SEC. 63. That if, within twenty-four hours after the arrival of any ship at any port in the United States, any person, then being on board such ship, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seamen, except under his personal direction, and with the permission of the master, he shall, for every such offense, incur a penalty not exceeding fifty dollars, or shall be liable to imprisonment for any period not exceeding three months.

SEC. 64. That all penalties and forfeitures imposed by this act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered with costs, either in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense shall be committed or the offender shall be; and in case of a conviction under this act, and the sum imposed as a penalty by the court shall not be paid either immediately after the conviction or within such period as the court shall at the time of the conviction appoint, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term or terms hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this act, for which no special application is hereinbefore provided, shall, when recovered, be paid and applied in manner following, that is

to say, so much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section fifty of this act: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided, also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

SEC. 65. That to avoid doubt in the construction of this act, every person having the command of any ship belonging to any citizen of the United States shall, within the meaning and for the purposes of this act, be deemed and taken to be the "master" of such ship; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman" within the meaning and for the purposes of this act; and that the term "ship" shall be taken and understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this law may be applicable; and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the ship shall belong.

SEC. 66. That in no case shall the salary, fees, and emoluments of any officer appointed under this act be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States.

SEC. 67. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 68. That this act shall take effect in sixty days after its passage, but its provisions in regard to appointments under it shall take effect immediately.

SCHEDULE.

TABLE A. (Section 5.)

Scale of fees for matters transacted at shipping-commissioners' offices.

First. Fee payable on engaging crew, for each member of the crew, (except apprentices)	\$2 00
Secondly. Fee payable on discharging crew, for each member of crew discharged.	50

TABLE B. (Section 6.)

Sums to be deducted from wages of seamen in partial repayment of the fees payable in table A.

In respect of engagements, from the wages of each member of the crew	\$0 25
In respect of discharges, from the wages of each member of the crew	25

TABLE C. (Section 7.)

Fees payable by the master or owner for apprenticing boys to the sea-service.

For each boy so bound, including the indenture.....	\$5 00
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TABLE D. (Section 12.)

FORM OF ARTICLES OF AGREEMENT.

UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping-office.)

It is agreed between the master and seamen or mariners, of the _____, of which _____ is at present master, or whoever shall go for master, now bound from the port of _____ to _____ (here the voyage is to be described, and the places named at which the ship is to touch, or, if that cannot be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship, and

SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams; one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and for potatoes onions may be substituted.

TABLE E.—Certificate of discharge. (Section 24.)

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated ____ day of ____, eighteen hundred and ____.

(Signed) ____, Master.

(Countersigned) ____, Seaman.

Given to the above-named seaman in my presence this ____ day of ____, eighteen hundred and ____.

(Signed) ____, Shipping-Commissioner.

Approved June 7, 1872.

No. 14.

[CIRCULAR NO. 25.]

DEPARTMENT OF STATE,
Washington, August 5, 1872.

To the Diplomatic and Consular Officers of the United States :

It has been represented to this Department by the Acting Secretary of the Treasury that complaints have been made that the schedule fee for certificates and seals has been charged by consular officers for the verification of assignments of United States bonds. As it is apprehended that such charges may affect the value of our securities abroad, he has requested that the tariff of fees may be so modified as to exempt from any consular fee the necessary certificates to the execution of assignments of such securities, and to powers of attorney for the collection of interest on them.

It is accordingly directed that no fee will hereafter be charged for witnessing the execution and taking the acknowledgment of assignments of United States registered bonds, or of powers of attorney to assign such bonds or to collect interest thereon.

W. HUNTER,
Acting Secretary.

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 15.

Mr. Kirk to Mr. Fish.

No. 85.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, May 12, 1871. (Received June 20.)

SIR: For the last month, by order of the national government, the custom-house has been closed and all business suspended, in consequence of the fearful ravages of the yellow fever. For the number of inhabitants, I question whether history records such terrible mortality. Little short of 20,000 have fallen victims to the scourge.

To-day the city presents a deserted, desolate appearance. All faces indicate anxiety and sorrow. It is impossible to portray the true condition of affairs.

Within the last ten days the death-roll has diminished very much, and it is thought ten days more will terminate its fearful visitation. Many of our citizens have been sick, some in great destitution; as far as known ten have died. I expect I will have to pay some bills for medicines, supplies, &c., which had to be furnished to our destitute people. Some of the foreign ministers published a notice, (like the inclosed, marked A,) but I did not feel authorized to do so, and will only pay what the promptings of common humanity compel me, and charge the same to the contingent fund of this legation, which I hope will be satisfactory to the Department. The Brazilian people, and also those of Uruguay, have acted nobly and generously in sending substantial relief to the people of this city.

Intelligence has just been received that the Argentine government has negotiated a loan in London for \$30,000,000; the loan was effected 88½ on the dollar, interest 6 per cent.

I have, &c.,

R. C. KIRK.

[Inclosure A.]

Notice to British subjects.

HER BRITANNIC MAJESTY'S LEGATION.

Her Britannic Majesty's chargé d'affaires, being fully aware of the deep sympathy which will be felt by Her Majesty's government and the British public for the sad ravages caused to the inhabitants of Buenos Ayres by the ruling epidemic, and the concern which the sufferings of British subjects will occasion to them, is desirous of at once conveying to his countrymen of all denominations, without distinction, as an evidence of that interest, the assurance of his readiness, in conjunction with her Majesty's consul, to render every assistance within the scope of their official authority toward relieving all cases of distress of a deserving character which may be brought under their notice; and he hereby invites all those poor and afflicted persons who have been deprived of the means of support, to make personal application to Her Maj-

city's legation or to the British consulate, accompanying their applications with such recommendations as they are able to obtain from their respective clergymen or from any respectable resident.

No. 16.

Mr. Kirk to Mr. Fish.

No. 90.]

UNITED STATES LEGATION,
Buenos Ayres, August 14, 1871. (Received September 21.)

SIR : Permit me to say that Mr. Borges, the Brazilian minister, my former colleague, has received the appointment as minister plenipotentiary, &c., to our Government. He is a gentleman of fine ability, and has always expressed the most friendly sentiments toward our country, was a very popular minister here, and, if I am not mistaken, will earn the same reputation at Washington. I therefore have no hesitation in requesting for him a cordial reception.

I am, &c.,

R. C. KIRK.

No. 17.

Mr. Clapp to Mr. Hunter.

No. 5.]

UNITED STATES LEGATION,
Buenos Ayres, February 13, 1872. (Received July 22.)

SIR : I have the honor to report that affairs connected with Paraguay and Brazil have, within the last month, attracted much attention. It appears that the diplomatic representatives of Brazil and of this republic met at Asuncion for the purpose of concluding final treaties, or a joint treaty, which should settle the disputed boundary-lines between the three nations, and all other questions growing out of the recent war. Dr. Quintana, on the part of the Argentine Republic, demanded that the whole of the Grand Chaco should be acknowledged as Argentine territory. This is a vast wilderness on the right bank of the river Paraguay, and extending through about the same degrees of latitude as that republic. It embraces probably from three to four thousand square miles, and is traversed by two principal rivers, the Vermijo and the Pilcomayo. It has only one small settlement, which is called Ville Occidental, and is located above Asuncion on the Paraguay River, and was established by Lopez, who sent there some French emigrants. This vast wilderness is inhabited only by a few savages. The Paraguayan government refused to accede to the demands made by Dr. Quintana, in which refusal it is understood that they were sustained by the Brazilian envoy. Dr. Quintana finally withdrew from Asuncion and returned to Buenos Ayres. After his withdrawal a treaty was arranged between Brazil and Paraguay, whereby the river Apa is to constitute the boundary-line of the two countries, Brazil remitting all financial claims on account of the war, and agreeing to maintain a military force in Paraguay in support of the present government.

I consider the information that I have obtained respecting this treaty to be reliable, as far as it goes, and, I understand, by it Brazil obtains all the territory to which she has ever made any claim. The arrange-

ment was evidently consummated very soon after the departure of Dr. Quintana. His return, and the publication of the substance of the treaty in the public prints, caused great excitement and angry discussion in Buenos Ayres, the ground of complaint being that Brazil had violated the obligations of the triple alliance which was formed at the commencement of the war, but, before many days, a better feeling seemed to prevail—a confidence in the good faith and friendship of Brazil. At this juncture President Sarmiento issued a decree constituting the whole of the Grand Chaco an Argentine province, designating Villé Occidental as its capital, and naming General Julio de Vedia, the present commander of the Argentine forces in Paraguay, as its governor.

The following is a translation of this decree, cut from the Daily Standard of Buenos Ayres.

NOTE.—The only copy of this decree that I was able to obtain was sent with the original of this dispatch.

The decree is to the effect that—

The whole of the Grand Chaco is constituted a new province of the Argentine Republic; its capital is established at Ville Occidental. General Julio de Vedia, commander of the Argentine forces in Paraguay, is appointed governor, and he is directed to organize immediately a municipal government at the capital.

The portion of this territory which lies above the Vermejo River, and in which the new capital is located, has, ever since the formation of the South American republics, been claimed by Paraguay and Bolivia as well as by this republic, but Paraguay is the only power that has made any effort to occupy the territory.

No news has yet been received here of the reception of the decree in Brazil.

REBELLION IN CORRIENTES.—A rebellion has recently broken out in the province of Corrientes, Argentine Republic, against the newly elected governor, Don Justo. I have been very much surprised to see that many of the most prominent papers of this city justify and encourage the insurgents; and that when the governor came here and applied for aid to the President he was absolutely refused.

The capital of the province was seized; and it appeared that a revolution had been accomplished, but the latest advices announce that Colonel Babiene, commander of the provincial troops, has completely routed the main body of the insurgents.

I am, &c.,

DEXTER E. CLAPP,
Chargé d'Affaires ad interim.

No. 18.

Mr. Clapp to Mr. Hunter.

No. 8.]

UNITED STATES LEGATION,
Buenos Ayres, March 20, 1872. (Received May 21.)

SIR: I have the honor to inclose a copy of the translation of correspondence of Mr. H. G. McDonell, Her Britannic Majesty's chargé d'affaires to the Argentine Republic, with Dr. Tejedor, minister of foreign

affairs, on the subject of outrages committed on English citizens residing in this republic.

The massacre of foreigners at Tandil, which was the principal occasion of the correspondence, was an occurrence of the most startling nature. On New Year's day about five hundred gauchos, headed by a religious fanatic, entered the village and commenced an indiscriminate slaughter of foreigners. Thirty-six were killed and others wounded. The mob then started in the direction of Buenos Ayres, committing similar outrages on their way. They were finally overtaken and dispersed by a small body of troops, and several were taken prisoners. As far as I can learn, no sentence of punishment has been executed on any of these criminals.

* * * * *

I also inclose a translation of correspondence between Mr. Frank Parish, Her Britannic Majesty's consul, and Dr. Don Antonio Malaver, secretary of the provincial government of Buenos Ayres, treating of the same subject, in which Governor Castro declines to furnish the consul with any information, and denies the right of the consul to address the Provincial government at all on the subject, and inferentially denies his right to act in any manner to protect the lives and property of English subjects residing in the province. It also appears that the answer to the note of Mr. Parish was delayed for nearly two months. I am happy to report that, to the best of my knowledge, no American citizens have recently suffered, either in the massacre at Tandil, or in any of the other robberies or murders that are of so frequent occurrence.

I am, &c.,

DEXTER E. CLAPP.

[Inclosure 1.]

THE TANDIL MASSACRE.

Notes between the British legation and the national government.

The Boletín Oficial of yesterday publishes the subjoined notes on this painful question; the reply of the minister of foreign affairs to Mr. McDonnell will cause a mixed feeling of astonishment and indignation among all classes of English residents:

BRITISH LEGATION, Buenos Ayres, January 13, 1872.

MR. MINISTER: In the interview that I had yesterday with your excellency, I thought it my duty to advise you of the contents of two petitions addressed to me, one from the English residents of Tandil and Azul, referring to the insecurity of their lives by reason of the recent assassinations in that neighborhood; the other signed by English subjects settled at Bahía Blanca, making just complaint of the Indian invasions thereabout, owing to the unguarded state of the frontier.

The tenor of your reply on this subject manifestly indicated that your excellency did not consider the circumstances warranted any diplomatic intervention in favor of the petitioners, and moreover that, in case they had addressed themselves to the national government in due form and through the local authorities, your excellency did not judge it compatible with the dignity of government to admit that foreigners settled in the republic should arrogate to themselves the right to question the acts of the government upon points of internal administration, either indirectly or by means of their representatives.

The instructions which Her Majesty's secretary of state for foreign affairs has at various times thought fit to give me, to represent to the government of your excellency the necessity of adopting some means for the better protecting the lives and properties of Her Majesty's subjects in the republic, at once led me to infer that the opinion of Her Majesty's government differed so essentially from your excellency's views that I considered it useless to insist further upon this point with your excellency.

My object in communicating verbally to your excellency the contents of the peti-

tions in question was to convince your excellency, if possible, of the justice of the cause that I sought to defend, and thus avoid a possibly vexatious correspondence upon a matter in which your excellency's opinion seemed entirely opposed to that of Her Majesty's government, laying down the principle that a foreign agent has no right to interpose with your excellency's government in favor of the life and property of his countrymen who are unduly exposed, owing to the admittedly unprotected state of the frontier, or to the numerous criminals and malefactors who are allowed to go about unmolested and with impunity through the country.

Wishing, nevertheless, to inform in proper manner Her Majesty's government respecting the late sad occurrences, which have occasioned grave loss of life and property to English subjects in various parts of the republic; and being, moreover, anxious to explain the want of success which has attended my interposition with the Argentine government for the better protection of my countrymen, I feel it now my duty to place in your excellency's hands translations of the above-mentioned petitions, hoping that your excellency's reply to this communication may enable Her Majesty's government to form an exact judgment of the limits to which, in your excellency's opinion, the right of any British subject may extend to demand relief and protection, and which Her Majesty's government may think fit to accord.

Trusting that your excellency will receive this communication in the same friendly spirit in which it is conceived, I avail myself of this occasion to repeat the assurances of my esteem.

H. G. McDONELL.

To His Excellency Dr. TEJEDOR,
Minister of Foreign Affairs.

FOREIGN OFFICE, Buenos Ayres, January 22, 1872.

MR. CHARGÉ D'AFFAIRES: I have received the note and petitions inclosed of English citizens upon events of distinct nature in Tandil and Bahía Blanca. The zeal which Mr. Chargé d'Affaires displays on this, as on other occasions, for the welfare of his countrymen, is worthy of all eulogy.

The contents of the petitions are also excusable, in one case by the terrible misfortune of which the petitioners have been the victims, and in the other by the natural desire of all men at all times to secure their lives and property. But notwithstanding these considerations, the Argentine government cannot accept the doctrine which seems to have induced the petitioners to address themselves to Monsieur le Chargé d'Affaires.

Foreigners, from the moment they enter a country, are subject to its laws and authorities. These laws are not equal in all places, but whether favorable or not to a foreigner, they oblige him alike. The foreigner, therefore, in the exercise of his rights, or in any complaints of a civil or criminal nature which he feels justified in making, must address himself in the same way as native citizens to the authorities, invoke the laws in question, and await and bow to their decision. Otherwise the body of foreign residents would constitute a state within a state, a political monster.

If from these general principles, which form the jurisprudence of all civilized countries, we descend to our own particular case the matter is still more evident. In no place is there a more liberal legislation than ours toward foreigners. Protection to a foreigner is not only inculcated by our laws but is a principle of our constitution, rendering almost unnecessary those treaties with such stipulations; but it means equal protection with native citizens, and no privilege either on the basis of rights or in the mode of vindicating them; it is legal, not diplomatic, protection. The latter, out of respect for any nation, is usually reserved until such case as there is a denial of justice in civilized countries, or where there is an unjust persecution by the authorities themselves in barbarous countries. We need not mention here the other small services which diplomacy may render to a foreigner, by facilitating his access to the authorities, by saving him the trouble of a different language, by recommending or supporting the quick dispatch of matters, since it is the universal custom in civilized countries not to place any difficulty or obstacle in the way.

The doctrine of a special protection is not only incorrect but may lead to deplorable errors and mistakes. By such a mistake the English citizens of Bahía Blanca address Mr. Chargé d'Affaires, advising him of robberies by the frontier Indians, the surprise and assassination of Mr. Thomas Jordan, the presence of some of the murderers in the town, and the sale there of the stolen hides, instead of applying to the competent authorities or accusing them before their superiors, if, as is stated, the former encouraged such deeds, and prove such charges. By the same error the petitioners have ventured so far as to say that, since they receive no protection from government, they who do not even act as urban guards to protect the frontier towns, will open fire on the Indians wherever they see them, even if not attacked by them, thus assuming to them-

selves rights which the natives of the country have not, and considering themselves entitled to more protection than the natives. By the same error, in fine, the petitioners of Tandil beg Mr. Chargé d'Affaires to point out to the government of this country the absolute and urgent necessity of taking the requisite measures to judge and execute the prisoners on the scene of their crimes, and to order a determined and vigorous pursuit of such of the malefactors as are still at large, instead of contenting themselves with such measures as at the earliest moment it was the duty of the provincial authorities to adopt, and in which there was certainly no delay, and bowing to the laws and tribunals whose sway extends over both natives and foreigners.

Having thus fulfilled the desire manifested by the chargé d'affaires to learn the opinions of the Argentine government on this point, I am happy to renew the assurances of my distinguished consideration.

C. TEJEDOR.

To Her Britannic Majesty's Chargé d'Affaires,
H. G. McDONELL.

[Inclosure 2.]

TANDIL MASSACRE.

BRITISH CONSULATE,
Buenos Ayres, January 11, 1872.

SIR: I regret to have learned through private sources, as well as through the miscellaneous and official accounts which have been published, of the horrible massacre of foreigners which has been perpetrated by some bands of Gauchos near the Tandil, that among the unfortunate victims were two British subjects, Mr. Gibson Smith and his young wife, to whom he had been very recently married, the painful nature of whose case contributes, if possible, additional horror to this terrible drama.

In connection therewith, I feel it my duty to address your excellency, relying upon your excellency being able to afford me some official information as to the origin and nature of the circumstances through which the lives of these unfortunate persons have been sacrificed.

At the same time I cannot but give utterance to the general feeling of anxiety experienced by my countrymen, on a par with other foreigners settled in the distant parts of this province, respecting the insecurity of their position, and the constant exposure of life to which they are subject from the number of outlaws and criminals who roam with impunity throughout the country.

Conscious, as I am, that your excellency's government must be fully alive to the dangerous results of the repetition of crimes such as cannot but infuse terror throughout the whole country, I feel that any official instigation on my part would be unnecessary to induce your excellency's government to adopt such measures as will insure the speedy and condign punishment of those who have committed these acts of savage cruelty, as without some severe example there can be no assurance that the lives of unoffending persons will not remain exposed to the attacks of ignorant and unrestrained bands of malefactors.

I have the honor to be, sir, your most obedient servant,

FRANK PARISH.

His Excellency Dr. Don ANTONIO MALAVER, &c.

GOVERNMENT-HOUSE, March 7.

I duly received yours of January 11, with reference to the criminal occurrences which took place at Tandil on the 1st of that month, and the governor desires me to say, in reply, that the publications in the daily papers will have already informed you of the measures adopted. Moreover the governor thinks that in matters of this kind the consul cannot make any official instigation to him, both because such would be outside a consul's character, and because in any event it could not be addressed to the provincial government.

God preserve you!

ANTONIO E. MALAVER.

F. PARISH, Esq., Her Britannic Majesty's Consul.

BRITISH CONSULATE,
Buenos Ayres, March 14, 1872.

MR. MINISTER: I have received the reply which it has pleased his excellency the governor to instruct you to make to my letter of 11th January last, on the subject of

the Taudil massacre, in which I asked for some information respecting the sad case of two British subjects who were among the victims of that tragedy, expressing at the same time the deep feeling of anxiety occasioned to my countrymen whose lives were threatened and at that moment in peril.

Two months have elapsed since my letter reached your excellency's hands, notwithstanding the urgent nature of the case, and the general consternation which existed as to the extent to which the malefactors had effected their murderous designs. Nevertheless, I was unwilling to suppose that the silence arose from any other cause than an oversight, and I was little prepared to learn from your excellency that it proceeded from an intentional disregard, on the authority of the governor, of my communication, on the ground that I was not entitled to address his government on such a case, and that I might refer to the public press for any information I might require on the subject.

With all due regard for the opinion of his excellency, and with every desire to treat the subject in a friendly spirit, I must dissent most distinctly from this extraordinary rule of procedure, for, assuming that it cannot be the fixed intention of his excellency to exclude me from the customary official intercourse with his government on matters relating to the welfare and interests of British subjects in this province, I have a right to expect that, so long as I am an accredited agent of my government, I be allowed that access to the authorities of the country which is absolutely necessary to enable me to fulfill the ordinary functions of my office.

The opposite course would oblige me to abandon the representation of those interests, and Her Majesty's government to substitute some other form for preserving intact those ties and obligations which correspond to its position toward its subjects.

I venture to affirm that no precedent can be produced in support of any such established rule; and further, that if even it existed, could it be applied in such an instance as this, so as to debar a government from the exercise of reasonable and friendly means, through its agents, of obtaining for its subjects the full amount of protection and redress which the laws of the country might afford, and to which their peculiar position might entitle them.

Such a wholesale massacre of foreigners, and such acts of cruelty as were committed at Taudil on the persons of innocent foreign settlers, fortunately, in the name of humanity, are not matters of ordinary occurrence, and have no parallel even in this country; and it would be useless, therefore, to seek for any guide as to the rule observed in the representation of such cases.

Judging, however, from some few instances of recent occurrence, such as that of the murder of several British subjects by Greek brigands, it will be remembered that it created a feeling of national interest, and that the right of fully representing the cases and seeking for redress was exercised and not denied.

For the government of this country, above all others, interested as it is in promoting foreign immigration as a means of advancing the nation, to seek to establish a rule by which the foreign immigrants would be deprived of the means of obtaining the legitimate support of their government, and the benefit of its friendly offices, would be to injure their own prospects, by producing a want of confidence and a discouragement to immigration.

I have no desire to draw an exaggerated picture of the state of things in this country; but certainly, if I were left dependent on the reports and opinions of the different public papers of this city, I might fall widely into that error. Neither, in this instance, do I wish to enlarge upon the case under discussion by referring to some of the terrifying incidents which are connected with this lamentable case, which might have the effect of destroying the friendly character which it is my desire to preserve in this communication. I will confine myself to expressing my firm and earnest remonstrances against the mode of treatment of this case by your excellency's government, and communicating the contents of this correspondence to Her Majesty's chargé d'affaires, in order that he may obtain such instructions from my government as will enable me to learn whether, and to what extent, they are willing to accede to your excellency's principles, and to relinquish the ordinary means of representing the interests of British subjects in Buenos Ayres.

I will add, in conclusion, that neither through the medium of the public newspapers, nor through any other source, have I been able, so far, to obtain any satisfactory account of the death of Mr. and Mrs. Gibson Smith, the two persons referred to in my previous communication; nor do I know what has become of their property, which must have been left abandoned at the time, and which I am specially called upon to take charge of.

I am your excellency's most obedient, humble servant,

FRANK PARISH.

To his Excellency Dr. D. ANTONIO E. MALAVER,
Minister of Government of the Province of Buenos Ayres.

No. 19.

Mr. Fish to Mr. Clapp.

No. 8.]

DEPARTMENT OF STATE,
Washington, April 19, 1872.

SIR : This Department has reason to apprehend that the forebodings of many, at the close of the late war against President Lopez, of Paraguay, that the allies would extinguish an independent government, thereby absorbing the territory of that republic, are about to be realized.

We have not information full or explicit enough to warrant a definitive opinion, but it is understood that Brazil has already asserted a claim to a considerable part of the territory of which Paraguay held possession prior to the war.

It is believed to be for the interest of the United States that Paraguay should not lose its independence or its territory, but should, profiting by the experience of the past, endeavor in the future to maintain a really republican government over that region, which, if peace should not be interrupted, must, from the vast natural resources there, become an important country in that quarter, and a bulwark against encroachment from any of its neighbors.

You will keep the Department fully apprised of anything which may take place in relation to this important subject.

I am, &c.,

HAMILTON FISH.

No. 20.

Mr. Clapp to Mr. Hunter.

No. 13.]

UNITED STATES LEGATION,
Buenos Ayres, June 4, 1872. (Received July 22.)

SIR : The statement which I made in my dispatch, No. 5, on information which I supposed to be entirely reliable, that Brazil has, in consideration of the cession of the territory north of the river Apa, released Paraguay from all financial claims on account of the late war, proves to be incorrect. On the contrary, she has secured in the recent treaty an acknowledgment of indemnity due for her expenses, which evidently amounts to a perpetual mortgage on the territory and independence of Paraguay.

I am, &c.,

DEXTER E. CLAPP.

No. 21.

Mr. Clapp to Mr. Hunter.

No. 15.]

UNITED STATES LEGATION,
Buenos Ayres, June 12, 1872. (Received July 26.)

SIR : I have the honor to acknowledge the receipt of the dispatch from the Department of State, No. 8, bearing date April 19, 1872, di

recting me to keep the Department fully apprised of anything which may take place in relation to the apprehended designs of Brazil and the Argentine Republic to appropriate portions of the territory of Paraguay, and thereby endangering its independence. Since sending dispatch No. 5, bearing date February 13, 1872, I have learned nothing of importance bearing upon this subject until within the last week.

I have just obtained, and send to the Department of State by this mail, an appendix to the annual report of the Argentine minister of foreign affairs, containing the recent correspondence of this republic with the government of Brazil on the Paraguayan question. I also send a condensed translation, cut from the Standard, of the principal dispatch contained in the above-mentioned report, which, although very defective, gives some idea of its import. This dispatch of Minister Tejedor, dated April 27, 1872, to which, I am informed, no answer has yet been received, makes several specific and very grave allegations against the government of Brazil, of violating the terms of the treaty of alliance made at Buenos Ayres at the beginning of the Paraguayan war.

It is a very common belief here that Brazil encouraged the Paraguayan government to refuse to acknowledge the claims of this republic to the territory of the Grand Chaco, although she had distinctly acknowledged and agreed to sustain these claims in an article of the above-mentioned treaty of alliance. It is also very evident that under the conditions of the recent treaty with Brazil the independence of Paraguay is little more than a myth. She has surrendered all the territory that Brazil claims that is of any value. She has acknowledged an indebtedness to Brazil of a war indemnity of an amount that is probably twice as large as the total value of property in all of Paraguay, which is equivalent to a practical mortgage on her existence as a nation which can be foreclosed at the pleasure of Brazil. She has accepted a virtual protectorate, in that Brazil guarantees the maintenance of her present government for a term of years, and agrees to maintain an army in Paraguay for that purpose.

As to the probability of a war resulting between Brazil and this republic there is great difference of opinion. Ex-President General Bartolomé Mitre has been appointed on a special mission to Brazil. In an interview which I had with him last evening he expressed great confidence that the differences would be peacefully arranged, and that Brazil would make good all the obligations that she had undertaken in the treaty of alliance. Still, considering the extreme nature of those obligations in contrast with her action in the matter of the Paraguayan treaty, her supposed encouragement to Paraguay to resist the claims of the Argentine Republic to the Grand Chaco, and the very strong allegations of Dr. Tejedor's published dispatches, it appears that she is placed in an exceedingly equivocal position.

It has been suggested that one object of Brazil in sustaining the claim of Paraguay to the Chaco is to prevent the execution of a project which has been laid before the Argentine and Bolivian governments for constructing a railroad from Bolivia through that wilderness to the banks of the Paraguay, thus destroying the monopoly which she enjoys of the tropical productions of the valley of the La Plata. It has also been suggested to me by persons whom I understand to be familiar with the views of this government that Brazil regards with much anxiety the probable course that may be taken by the United States, and that the recent change of Brazilian representatives between Washington and Buenos Ayres had in view the presence at Washington of a gentleman who

was thoroughly acquainted with affairs of the river Plate countries. I am convinced by this, and by remarks made by General Mitre in the interview of last evening, at least that this government is very anxious to have the moral support of the United States in the present emergency. As to the nature of the territory of the Grand Chaco I respectfully refer to my dispatch No. 5, of the 13th of last February.

As to the justice of the Argentine claim, Paraguay took no part in the war of independence. Her independence was never acknowledged by the viceroyalty of Spain nor by the South American republics until a very late date; and was only obtained by the isolated and peculiar position of her territory, situated between the Paraguay and Parana Rivers.

Bolivia and the Argentine Republic claimed, and apparently established, their claim to the whole of the right bank of the Paraguay by their long and successful war with Spain, but have never agreed on a boundary-line.

Under the viceroyalty Jesuit missions were established in the Chaco; but they have long since disappeared. The elder Lopez established a French colony at Ville Occidental. This was protested against by both President Urquiza and Bolivia; but they were not in a position to enforce their claims.

Señor Benites, minister of foreign affairs of Paraguay, is now in this city on a special mission, of the nature and probable results of which I have received no information. In an interview with him I took occasion to speak of the earnest good wishes of the United States for the future welfare of Paraguay, and said that I should be glad to learn any facts with reference to the recent treaty made with Brazil and other matters connected therewith, with a view of communicating the information to the honorable Secretary of State, taking care to explain that my remarks were entirely unofficial. Señor Benites replied that, although he might expect that the United States minister would communicate with his Government upon a matter of this nature, he would nevertheless, with much pleasure, explain the views of his government in an unofficial manner. He was much pleased with the friendly interest of the United States Government toward his unfortunate country. He and his government had always considered the United States as their best friend; that some cession of territory had already been made to Brazil, viz, that portion north of the river Apa, which, however, was comparatively worthless; that this cession had been made because the demands of Brazil could not be opposed by Paraguay in her present condition; but that it does not in the least affect her independence as a republic.

With regard to the Grand Chaco, he said that it had always belonged to Paraguay, and that the attempt on the part of the Argentine Republic to wrest it from her would not be submitted to, as it would seriously affect her independence. He spoke with much feeling and eloquence upon the subject of the late war, by which his country had been ruined, dwelling principally upon the fact that a sister republic was the prime mover in the matter, and had leagued with an empire to crush Paraguay.

Señor Benites is certainly mistaken in his statement that the Argentine Republic was the prime mover in the late war.

Brazil had been for a long time endeavoring to induce her to join in declaring war, but Viscount Parauhos, the Brazilian envoy, who had come here for that purpose, had completely failed in his mission, and had returned to Rio, when the news of the seizure of the Argentine

steamers and the invasion of the province of Corrientes by Lopez, without previous intimation of war, forced this republic to make the alliance with Brazil.

I trust that the Department will not consider that I have transcended my duty in seeking this unofficial interview with the Paraguayan minister.

A memorandum of our conversation has been forwarded to Hon. John L. Stevens, at Montevideo.

I have made every effort in my power to obtain reliable information, and shall not fail to keep the Department advised of everything of importance that may occur, before the arrival of a minister resident.

I am, &c.,

DEXTER E. CLAPP.

[Inclosure with dispatch, No. 15.]

BUENOS AYRES, April 27, 1872.

MR. MINISTER: Your note of February 3 only reached me on the 23d of said month, explaining the reasons of the separate treaty by your minister at Asuncion.

Your note of March 22, in reply to mine of February 15, suffered a still greater delay. Both have caused my government a painful impression. In the first you forget the protocols of Buenos Ayres, and seek to repel newspaper criticism by trying to justify separate treaties, not only for limits but for matters of mutual interest. We might, if we chose, pass over the first note without discussion, but that it serves to explain the course of the dispute. Let me trace the same in that spirit of friendship which becomes the representatives of two nations, until recently united in defense of their honor and right.

The history of broken treaties is nothing new in the world, but the triple alliance compact seemed so clear as to preclude one-sided interpretation, the commencing clauses, from the first to the seventh articles, being of a transitory nature, but all the rest permanent. The stipulations regarding the war were to cease with it, and up to Article 7 no shadow of doubt could arise; the first seven articles, being purely of an offensive alliance, in virtue of which the Argentine government never hesitated, even when fortune was against us, our treasury empty, and strong opposition rising up, which might have well excused us if we entertained an idea of retiring from the contest and leaving our allies to themselves. But the succeeding ten articles have no reference to the war, but to subsequent contingencies, and imply collective fulfillment.

Articles 8 and 9 stipulates that the allies [not one only] shall respect the sovereignty and territorial integrity of Paraguay for five years.

Article 11 says, that the allies shall arrange among themselves, after the overthrow of Lopez, such measures as may insure the free navigation of the Paraná and Paraguay.

Article 12 reserves for the allies to settle such steps as may insure peace with Paraguay hereafter.

Article 13 declares that the allies shall duly appoint plenipotentiaries to conclude treaties and conventions with the new government of Paraguay.

Article 14 stipulates that the allies shall make Paraguay pay the cost of the war.

Article 16 says that the allies, to prevent troubles on the question of limits, are entitled to require the Paraguayan government to conclude with the respective allied powers definitive treaties of frontiers on the bases herein laid down.

Article 17 guarantees the allies mutually that the treaties and conventions concluded with Paraguay shall be faithfully fulfilled, until which event the alliance is to stand in all its vigor.

Article 17 further engages that, if the Paraguayan government fail to carry out its agreement with any of the allies, the others shall lend their forces to oblige the fulfillment.

Article 15 stipulates that the allies shall determine by special convention the mode of paying for Paraguay.

Article 8 says that Paraguay must not demand the protectorate of any of the allies.

Article 10 expresses that any concessions from the government of Paraguay must be common to all the allies.

You say it is absurd to suppose that Brazil should have to ratify a treaty of limits between this republic and Paraguay, or *vice versa*.

The objection of absurdity can have no weight against written compacts. Meantime the alliance-treaty was ratified by all the legislatures and governments, and the limits therein expressed. The protocols of Buenos Ayres made the conventions about limits separate acts, but stipulated, as your note confesses, that the allies were to proceed of accord, either separately or conjointly.

You say that our plenipotentiary wanted the allied governments to maintain that the territory expressed in Article 16 belonged to this republic before arranging with Paraguay. This is not correct, but when your envoy, without rhyme or reason, demanded a revision of the protocols, the Oriental minister, and then the Brazilian, said the alliance had nothing to say with the definitive treaties. Dr. Quintana found it impossible to make his views prevail, and retired.

All our envoy had wanted was to carry out the alliance treaty unaltered. Neither is it true that we delayed the treaties two years; after the conferences of Buenos Ayres the unexpected absence of the Brazilian minister caused the delay. We were always ready to accede to any invitation on your part, even when the war of Entre Rios was on our shoulders. Nor did we want you to impose our limits on Paraguay, nor to shut out Bolivian pretensions, but merely to recognize the obligations of the triple alliance, which were then for the first time questioned. Any dispute with Bolivia was quite a matter for ourselves. Where, then, was the difficulty about admitting Dr. Quintana's request?

But the spirit of your note is the most painful of all; forgetful of the alliance and our common triumph, you think Paraguay justified in attaching importance to the Chaco limits. As yet we had no complaint from Bolivia, but you, our ally, officiously tell us of her claims and side against your ally of yesterday.

As regards your note of March 22, it is well to remind you that national sympathies have no fixed date.

The battle of Ituzaingo did not make us enemies forever, nor the overthrow of Rosas allies. But the triple alliance was a pledge of confidence between us, for the influence of battles lost or won.

You say it was notorious that the Chaco question would prevent a definitive treaty, but this does not appear from any document.

The agreement of June 20, 1870, in Buenos Ayres, applies equally to Brazilian or Argentine limits with Paraguay. You had your question of limits with Paraguay pending since 1856, and now you wind it up all of a sudden.

The secret of this miracle is that you had 3,000 men in Paraguay territory, backed by a strong fleet. It was neither loyal nor noble of you to leave out in the cold the ally who was in the same position as yourself, but without the army and fleet.

You have questions of limits pending with all the republics around you, whereas we are so conciliatory that our patience with our neighbors amounts to longanimity.

You talk of your generosity to Paraguay in ceding your claim to the territory between the Iguerey and the Igatemy, which the alliance-treaty gave you; but it never was yours by right, and always belonged to Paraguay. And how do you know but we should have made concessions to Paraguay likewise, if the negotiations were proceeded with?

You say the alliance remains, but do you mean for the purposes only of the war? The treaty shows there are also purposes which should have maintained us united until a definitive treaty.

Now, you make a distinction between bases and their development which seems futile. You offer us the faculty to make separate treaties with Paraguay, which you will guarantee, but we do not want your guarantee. If the alliance cannot make good our rights, the republic has, herself, sufficient power to enforce them.

The separate treaty is an infraction of the whole alliance-treaty, and your occupation of Paraguay after the treaty is a violation of the protocols of Buenos Ayres, besides being a permanent cause of jealousy which, sooner or later, must end in war.

In the conference at Buenos Ayres it was agreed, "When peace is restored the Argentines and Brazilians shall evacuate Paraguay in three months."

We only kept a small guard at Asuncion; you had an army and navy, besides able diplomatists resident there, who had bought up the local papers.

You stipulated for Paraguay to pay you your war expenses; how, then, are we to be paid? Article 15 of the alliance said we were to arrange this by previous convention.

Meantime we trust in the wisdom and moderation of your cabinet yet to come to an arrangement, as we should regret to see the alliance knocked on the head after so many common glories.

You ask us whether the allies are expected again to make war on unhappy Paraguay if our pretensions be ignored? But your compassion for that country is something new, since you persistently refused to forego, as we suggested, any claim against Paraguay for the cost of the war.

What is the desert of the Chaco in value, compared to the enormous sum that you have obliged Paraguay to recognize as war expenses?

You profess to wish to uphold the alliance, and when passing through this city you

had two conferences with me, and were so enthusiastic as to say that the arrangement I proposed should be carried out, even though an adverse dispatch came from Rio Janeiro. Yet the Asuncion treaty was ratified in Brazil seventeen days after your arrival. It would be hypocrisy on our part were we to conceal the profound grief your note causes us, or accept your explanations as satisfactory. The alliance-treaty is at stake. We expect your frank concurrence to uphold it, in return for our loyalty to it during seven years. But if the death-knell of the alliance has been rung, we still have confidence that the future will always be favorable to those nations, weak or strong, which never depart from the strict line of duty, at the promptings of self-interest.

Permit me to renew my assurances.

CARLOS TEJEDOR.

The FOREIGN AFFAIRS MINISTER,
Rio Janeiro.

No. 22.

Mr. Clapp to Mr. Hunter.

No. 19.]

UNITED STATES LEGATION,
Buenos Ayres, August 10, 1872. (Received September 23.)

SIR: I have the honor to report an event of very great interest in the history of the Spanish republics of South America.

On the 27th day of July the national and provincial governments celebrated the completion and opening of the transandine telegraph, which now connects the Argentine Republic and Chili.

It would be difficult to overestimate the importance of this achievement. It is an evidence of the progress that this republic is making at the present time, and a forerunner by but a few years, as I can confidently believe, of a railroad over the same route, and of a telegraphic line that will connect Buenos Ayres with the United States and with Europe.

It is worthy of notice that, in the addresses of his excellency President Sarmiento and others on this occasion, there was a generous acknowledgment of the indebtedness of this country, and of Chili, and of South America, to William Wheelwright, a citizen of the United States, not only for their first telegraph, their first railroad, their first line of steamers, and their first discovery and use of South American coal, but also to him more than any other man for the spirit of enterprise that is now spreading a net-work of telegraphs and railroads over these countries.

I inclose brief extracts from the account of the celebration, given by the Standard of this city; also the telegrams that passed between this legation and the United States legation in Chili.

In reply to some unpremeditated remarks which I had the honor to make, the president referred in a very grateful manner to the memory of Professor Morse.

I am, &c.,

DEXTER E. CLAPP.

[Inclosure 1.]

CELEBRATION OF THE COMPLETION OF THE TRANSANDINE TELEGRAPH.

[From the Daily Standard of Buenos Ayres of July 28, 1872.]

TELEGRAPH TO CHILI.—OFFICIAL INAUGURATION.

Yesterday witnessed the successful termination of the transandine telegraph-wires, the works of which were begun in November, 1870, at Villa Maria. The Standard was the only Buenos Ayres journal which was represented at Villa Maria, and it has now been the first to receive a telegram from the Pacific to the Atlantic. Some days ago we alluded to the importance of this enterprise, the benefits it is destined to confer on trade, and the debt of gratitude which Chili and Buenos Ayres owe to the Anglo-Argento-Chilian *entrepreneurs*, Messrs. Clark. Since the completion of the Atlantic cable and the Pacific Railroad, this is the greatest event which has occurred on the American continent, and President Sarmiento rightly appreciated its magnitude by declaring the day a public holiday, and holding a grand celebration at the government-house, to which the high officials, foreign envoys, and leading men of our city were invited.

In the interval before the gathering of the distinguished company, at the place which the old Spaniards used to call the Fort, (in those days before Franklin stole the lightning from the skies, to be one day a messenger for man's use,) we had occasion to call to mind the wonderful career of electric-telegraph science in modern days. Twenty years ago it was in its infancy, and now it forms, as it were, the nervous system of the universe, overspreading lands the most remote, and everywhere, like the morning star, heralding the light of progress. At present it is calculated that one hundred thousand miles of telegraph are being laid down annually, being ten times as great a development as is observed in railways.

President Sarmiento is talking to Mr. Wheelwright, having just shaken hands with Mr. Clark. In a group, between the windows overlooking Paseo Julio, are Minister Tejedor and sundry foreign ministers and consuls, on the best terms imaginable.

The band is playing, on the azotea, Argentine and Chilian airs, while we wait for a reply from beyond the Andes.

Time hangs heavily. Now and then President Sarmiento takes a turn up or down the room, and casts a look at the full-length portrait of Bernardino Rivadavia. At last Minister Avellaneda reads the following dispatch which he has just sent to V. McKenna, intendente of Santiago, on the part of the President:

"The fraternal salutation which we send you to-day from the shores of the Atlantic, across the pampas and over the giant Andes, awakens an echo on the Pacific sea-board,

"It seems a prodigy, and is yet only an event in the life of these two nations.

"Let us congratulate ourselves on having lived to see this happy day. Domingo Sarmiento salutes his friend McKenna."

President Errazuriz to President Sarmiento:

"In my own name and that of Chili I salute your excellency and the Argentine nation on the inauguration of the telegraph which now unites us.

"Receive my most ardent wishes that the links of brotherhood may be drawn closer and closer, and both countries may advance in prosperity."

Bishop Aneiros to the Archbishop of Chili:

"I hail this great day and beg you will bless the line, as I, your unworthy brother, do here, with all the fervor of religion and enthusiasm for American progress."

As soon as the champagne was uncorked President Sarmiento gave a toast to the union of the two republics, and alluded to Mr. Wheelwright, who sat near him, as the constructor of the first telegraph-line in Chili, under the Montt administration.

Dr. Velez Saravfield gave the health of both houses of congress, which provided the funds for telegraph enterprises.

We have not space for the brilliant speeches of Dr. Rawson, Minister Avellaneda, and the Chilian minister. The first-named speaker associated the names of the Argentine hero, San Martin, the great Hiberno-Chilian statesman, O'Higgins; he made a brilliant peroration on the advantages of telegraphs, and said that but for the Atlantic cable we should have seen a war on the Alabama claims. Minister Avellaneda's discourse summed up in these words: "The Andes are no more."

The American chargé d'affaires, Mr. Dexter Clapp, gave the following toast:

"To his excellency the President of the Argentine Republic, and to his excellency the minister of the republic of Chili.

"I beg pardon, señores, that I am not able to speak with facility the Spanish lan-

guage, but I wish, as the representative of the United States of North America, to most sincerely congratulate the Argentine Republic, and the republic of Chili, on the accomplishment of this grand work which we celebrate to-day. This triumph is peculiarly significant of the present higher era of civilization. In former times men were governed by influences that came from below. Brute force, base passions, and intense selfishness were the principal powers that controlled alike social and political life; but in the better time on which we have come, the material and grosser propensities are subjected to those that are higher and spiritual. This electric fluid that comes not from below, but from above, that is so ethereal, so spiritual, and that now binds together the two great republics of South America, is a beautiful emblem of the higher life and brighter days that the triumphs of science and humanity are bringing to mankind; and its use for this purpose is a sure prophecy of the greatness and glory that are coming, in the near future, to the Argentine Republic."

President Sarmiento replied, with a flattering allusion to Professor Morse, the American citizen to whom telegraphy owes so much, and who was a benefactor to mankind. The celebration then concluded.

TELEGRAM FROM CHILL

The United States legations.

To DEXTER E. CLAPP, *United States Chargé d'Affaires, Buenos Ayres*:

The United States legation in Chili sends its congratulations to the United States legation in the Argentine Republic, and cordially joins in the simultaneous manifestations of rejoicing now being exchanged across the Andes, between the sister republics, in honor of the last great triumph of the increasing confraternity of the nineteenth century.

O. P. ROOT.

To the Hon. J. P. ROOT, *Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Chili*:

The United States legation to the Argentine Republic responds with great satisfaction to the congratulations of the United States legation in Chili, and joins in the prayer that the completion of the transandine telegraph may be the beginning of a bright era of peace and prosperity to the two great republics of South America.

DEXTER E. CLAPP.

TRANSANDINE TELEGRAPH.

BUENOS AYRES, HOTEL PAIX, *July 26, 1872.*

MY DEAR SIR: While I hear the booming of guns, the ringing of bells, and the rejoicing of multitudes on this eventful day, allow me to offer you my warmest congratulations that your great enterprise has been crowned with success; that the populations of the east and west are thus brought together; that the formidable barrier of the Andes has thus been overcome, and this republic will owe you an eternal debt of gratitude for this immense boon you have just conferred upon them.

Accept my best wishes.

W. WHEELWRIGHT.

J. CLARK, Esq.

MY DEAR SIR: I feel proud in receiving your warm congratulations, which I beg you to share with me, for the happy success obtained this day.

My country, Mr. W., is indebted to you for the elements of progress introduced there since 1841.

Not only steam-navigation, railways, gas and water works, coal-mines, and a number of other works introduced by you have flourished in Chili, but the first electric telegraph erected in South America, by you, in Chili, twenty-two years ago, is to-day extended to Buenos Ayres, thus enabling the west coast to salute gratefully the illustrious promoter of progress on both sides of the Andes.

Accept, therefore, dear sir, my congratulations, and I remain yours, very respectfully,

JOHN R. CLARK.

WILLIAM WHEELWRIGHT, Esq.

No. 23.

Mr. Clapp to Mr. Hunter.

No. 20.]

UNITED STATES LEGATION,
Buenos Ayres, August 12, 1872. (Received September 23.)

SIR: I have the honor to report that the excitement caused by the anticipation of serious trouble between the Argentine Republic and Brazil, on which I dwelt at length in dispatches Nos. 5 and 15, has in a great measure subsided. This has resulted from the advices of the very cordial reception accorded by the government of Brazil to General Mitre, the special envoy of this republic. It is true that reports are circulated that under all the apparent cordiality and good will, there are most serious disagreements, and that General Mitre is not at all satisfied with the ground taken by the Emperor and his ministers.

Certain papers of this city are also warning the country that the present feeling of security will not be justified by the result of the negotiations now in progress. Still, the general sentiment is that Brazil does not desire war, and that some satisfactory arrangement will be consummated.

I am, &c.,

DEXTER E. CLAPP.

No. 24.

Mr. Clapp to Mr. Hunter.

[Extract.]

No. 21.]

UNITED STATES LEGATION,
Buenos Ayres, September 12, 1872. (Received October 22.)

SIR: I have the honor to report that no perceptible change has taken place in the condition of affairs as respects the difficulty between the Argentine Republic and Brazil. Reports as to the success of the mission of General Mitre are conflicting.

I stated in a former dispatch that a portion of the Grand Chaco, about which more than any other matter this trouble with Brazil has arisen, is claimed by the republic of Bolivia. Señor R. Cordona has lately arrived at this capital, as special envoy from Bolivia, for the settlement of this question.

I am, &c.,

DEXTER E. CLAPP.

A U S T R I A .

No. 25.

Mr. Jay to Mr. Fish.

[Extract.]

No. 397.]

AMERICAN LEGATION,
Vienna, December 29, 1871. (Received January 24.)

SIR: I attended this morning the formal opening of the Reichsrath by the Emperor in person, and I append a translation of His Majesty's speech from the throne to the members of the two houses. Its delivery was constantly interrupted by the applause, which seemed to me much more spontaneous and hearty than on the two similar occasions last year and the year preceding at which I have assisted.

Its suggestions seemed to indicate upon the points referred to a rather definite policy, and there was a tone of cordiality, reliance on the co-operation of the Reichsrath, and confidence of success, which made apparently a favorable impression.

Satisfaction was manifested at the declaration that the happy development of public schools was a condition the most essential to the prosperity and progress of society, and to the reference to a project of law rendered necessary by the abrogation of the Concordat to regulate the relations of the church to the schools.

Among the other projects of law alluded to, were those for the perfecting of the landwehr or militia, for raising the salaries of all civil employés of the governments, who have recently complained loudly that their salaries have remained unchanged, while the cost of living has enormously increased.

The Emperor expressed his deep regret that any part of his people should neglect to place themselves on the only ground where it was possible to come to an understanding, and this seemed to be the most distinct reference to the Bohemians, who have been so completely disappointed in the hopes created by the first imperial rescript under the ministry of Hohenwart. He appealed to the national spirit of Austria and fraternal feeling for the accomplishment of her great mission.

He declared that her peaceful relations with all foreign powers and the present state of Europe were favorable to the task of internal consolidation, and he closed with a peroration which, in the mouth of an Emperor of the house of Hapsburg, is not without significance in its declaration that the union of the people of Austria must be accomplished in accordance with the spirit of the age and on a popular basis.

The reception of the speech by the Viennese press is generally favorable, and its tone is regarded as calculated to soften the bitter animosities of the recent past by the idea that there is a real desire on the part of the ministry to act in a spirit of moderation and with a view to some reasonable compromise in the future.

I am, &c.,

JOHN JAY.

[Inclosure.—Translation.]

*Speech of the Emperor before both houses of the Reichsrath upon the opening at the palace
December 28, 1871.*

HONORED GENTLEMEN OF BOTH HOUSES OF THE REICHSRATH: While I behold you, in conscientious obedience to my call and to your duty, assembled around my throne for the commencement of a new period of constitutional effective action, I bid you welcome and offer my imperial greeting.

Animated by the desire to bring all races of my empire to efficient co-operation in the general constitutional existence, I have repeatedly expressed my willingness to cheerfully examine the merit of every suitable demand. My disposition, with the approval of the Reichsrath, to allow the extreme concessions consistent with the unity of the state, has, however, not been capable of producing the desired internal harmony. While the crown indicated to the provinces that their demands were to be tendered in the way declared under the constitution, it preserved the right of the general empire, and at the same time the peculiar interests of the individual kingdoms and provinces.

My government, composed of men who possess my positive confidence, consider it as their first charge to strengthen the constitutional administration of justice, and to assure to the laws unqualified obedience in all departments of public life. In tranquil performance of duty, they will strive to effect that the constitution take firm root, and in constant development produce abundant fruits.

So far as the peculiar relations of the kingdom of Galicia may require an especial regard to its legislation and management, my government will cheerfully offer its aid, so as to fulfill (but within the limits requisite to the unity and power of the general empire) those wishes which shall be appropriately exhibited in the convention of the imperial representative body, and thus to bring this matter to an effectual conclusion.

Recent events have naturally proved that when an autonomic position is accorded to the Diets, then full independence must thereby be assured to the Reichsrath, that the representation of the empire shall be formed in an independent manner. My government will zealously endeavor to facilitate the immediate embodying of the intentions and resolution cherished by the Austrian empire in order at the suitable period, and with preservation of all justifiable representative interests, to realize their operation. Meanwhile the draught of a law will be submitted to you, which is designed to effectually prevent a misuse of the constitutional electoral mandate.

I recommend to you particular attention as regards public education, the advance of which is one of the most essential conditions of the prosperity and progress of public economy.

The earnest and at the same time forbearing execution of the popular school laws, as well as the order of the university system, will form one of the most important tasks of my government. By the abolition of the convention made with the Holy Chair, breaches have been occasioned in the legislation concerning the relations between the Catholic Church and the state authority, for the redress of which my government will lay before you suitable propositions.

It will, moreover, be one of the most important tasks of my government to zealously continue and bring to an early conclusion the great works of legislation which concern civil and penal procedure, the law of criminal and police punishment, the administration of justice, and the regulation of the state attorneyship. My government will, however, also give attention that, during the time which shall be claimed for the introduction and finishing of the greater works of jurisprudence, the hand of reformation shall everywhere be used where defects or faults appear, such as may be relieved by distinct measures.

My government is occupied with the preparation of a draught of law upon the extent of jurisdiction and the creation of an administrative court of justice, whereby a regulation of the fundamental law of the state, in regard to the judicial power, shall be settled.

In addition to attention to the increase of military power, by means of a firm union of the moral and physical force, the improvement of the landwehr will especially interest my government, in order to bring the same to that stage of development at which it will be enabled to afford the most efficient assistance to the regular standing army.

My government will forthwith lay before you the state estimate for the year 1872, on the threshold of which we are standing, and will carefully attend to submit in due time the next state estimate, in order that you may be enabled to studiously examine the same, that thereby uniformity may be introduced into the current of business life.

Various draughts of laws will be submitted to you, which have reference to the maintenance of public, economical, and commercial interests, to the prosperity of trade as well as to the protection and demands of labor.

The pecuniary condition of public officials forms a subject of the especial attention of my government. My government is occupied with the production of plans which

have the object of increasing the salaries of this class, so important in the existence of the state. Equally will my government give attention to the improvement of the pecuniary condition of the lower clergy, so far as this charge falls within the sphere of action of the state.

Great and comprehensive are the questions which you, honored gentlemen of both houses of the Reichsrath, are called to settle hand in hand with my government. Go to work with fresh courage and patriotic feelings. As a single individual, by steadily-applied labor, obtains for himself internal content, so in the common labor of the state lie the surest means for the leveling of all opposition and the reconciliation of all parties.

I must, therefore, doubly deplore that one portion of the population neglects to tread upon that ground whereon alone an harmonious understanding may be attained. To you, however, honored gentlemen assembled around me, I address the urgent request to consecrate your undivided ability to the proper treatment of practical questions—to the satisfactory settlement of the moral and material necessities of the state. The people of Austria are weary of political contention; they long for peace and order, that they may enjoy the rights which the constitution affords to all in ample measure, and for the purpose of fulfilling in fraternal co-operation the great mission of Austria.

The attitude of European relations is in a high degree favorable towards fortifying our internal condition of affairs upon the foundations of right and freedom. With satisfaction may I declare that my friendly relations towards foreign powers are calculated to strengthen the hope of the desired universal peace.

With courage and confidence, old Austrian fidelity and love of country in our hearts, our united, persevering endeavors will succeed in finishing, upon popular foundations, in accordance with the spirit of the age, the great work of unification of the peoples of Austria begun by my forefathers, and hereby in bringing to fulfillment a plan which at all times has been most sacred in my heart, and for the happy completion of which I invoke the aid of Heaven.

No. 26.

Mr. Jay to Mr. Fish.

No. 402.]

AMERICAN LEGATION,
Vienna, January 13, 1872. (Received February 3.)

SIR: I advised you by my dispatch No. 398, of the 1st January, of a remark made to me by the Emperor, expressing his hope that the United States would be represented at the Grand Exposition at Vienna, to be opened in 1873, and of my reply, that I hoped Congress would make an appropriation for the purpose.

A reply, which I should have added, was induced by a statement in the Vienna papers, which appeared to come from an official source, that you had assured his excellency the Baron Lederer that you would recommend the exhibition to the favorable attention of Congress.

I have since received from the Count Andrassy a courteous note, expressing the great pleasure with which the imperial and royal government had learned from their legation at Washington how friendly an interest was cherished by the Government of the United States in the success of their great patriotic work, the Universal Exhibition at Vienna.

A translation of this note, with my reply, are hereto appended. (Appendices I and II.)

I am inclined to regard the project as one not only of importance to Austria-Hungary, in a political as well as an industrial point of view, but as one of no little interest to the United States in the opportunity it will afford, for the first time, of introducing American manufactures to the people of Eastern Europe and Western Asia, and of opening new markets which may prove of value.

* * * * *

I have, &c.,

[Inclosure 1.—Translation.]

The Count Andrassy to Mr. Jay.

VIENNA, January 7, 1872.

The minister for foreign affairs has, from a report of the Austro-Hungarian legation in Washington, observed with great pleasure how friendly an interest is cherished by the Government of the United States of America in the success of our great patriotic work, the Vienna World Exposition.

Inasmuch as it has not failed to impress me that these favorably-disposed feelings are chiefly to be ascribed to the active co-operation manifested by the envoy extraordinary and minister plenipotentiary, John Jay, in behalf of the enterprise, the undersigned, minister of the Imperial house and for foreign affairs, has the honor to express the most sincere thanks of the imperial and royal government, and solicits that his favorably-disposed support may continue.

The undersigned avails himself of this occasion to renew to the envoy the assurance of his distinguished consideration.

ANDRASSY.

[Inclosure 2.]

*Mr. Jay to the minister of the imperial house and for foreign affairs.*AMERICAN LEGATION,
Vienna, January 9, 1872.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the most courteous note (⁴⁵ H. P., 7th January) of his excellency the Count Andrassy, minister of the imperial house and of foreign affairs.

In this note his excellency expresses the great pleasure with which the imperial royal ministry for foreign affairs has learned, from a report of the Austro-Hungarian legation at Washington, of the friendly interest cherished by the Government of the United States of America in the success of that great patriotic work, the Universal Exposition at Vienna.

His excellency kindly ascribing this favorable feeling on the part of the American Government in large measure to the co-operation of their envoy at Vienna, has done the undersigned the great honor of expressing to him the thanks of the imperial royal government, and of asking for his continued co-operation.

If the undersigned is unable to accept the credit so generally ascribed to him, a credit which properly belongs to the Austro-Hungarian envoy at Washington, he may say with truth that his excellency has rightly appreciated the interest with which he has watched the admirable organization of a work which promises so much for science and for art, for peaceful civilization, and popular progress, and whose beneficial influence will be shared not only by the people of Austria-Hungary, but by the world at large.

The undersigned begs leave to assure his excellency that it will always afford him the sincerest pleasure to do whatever lies in his power to accomplish, in this regard, the favoring wishes of the President, whose friendly interest in the success of the Exposition has been so cordially expressed to the envoy of the imperial and royal government.

The undersigned, &c.,

JOHN JAY.

No. 27.

Mr. Fish to Mr. Jay.

No. 199.]

DEPARTMENT OF STATE,
Washington, February 5, 1872.

SIR: I have to acknowledge the receipt of your No. 402, of the 13th ultimo, in regard to the approaching Exposition at Vienna. In reply, I

have to state that the subject has been recommended to the consideration of Congress, by whom it is regarded with favor, but, as yet, no appropriation has been made by that body.

I am, &c.,

HAMILTON FISH.

No. 28.

Mr. Jay to Mr. Fish.

[Extract.]

No. 414.]

AMERICAN LEGATION,
Vienna, February 29, 1872. (Received March 22.)

SIR: On calling to-day at the foreign office, this being Count Andrassy's day for receiving the diplomats, I found that his excellency had not yet returned from Pesth, and I had an interview with Mr. Von Hofmann.

* * * * *

In speaking of the approaching exhibition, I remarked that I had heard from some American manufacturers complaints that the patent-law of Austria did not always afford to them sufficient protection, and that one provision, requiring the manufacture of the article patented to be commenced in the Austrian Empire within one year from the date of the patent, operated injuriously upon inventors from a distance. I alluded also to an article in the "Scientific American," (December 23, 1871,) upon the subject of the Vienna Exhibition, which intimated that the trouble and litigation to which this law had given rise would be likely to check the disposition of foreign inventors and manufacturers to bring their productions, unless the government proposed to award them greater security for the enjoyment of their patents.

Mr. Von Hofmann said the suggestion was one which was of great importance, and that Baron Schwartz, who was at the head of the Exposition, with the fullest power, would certainly appreciate it, and he begged me to write a note upon the subject.

I said that I was not sure that I should consider it my place to suggest a modification in their laws, upon which he said I might say that I wrote at his suggestion.

* * * * *

I shall be glad of any instruction you may think proper to give me on this subject, as, without instructions, I shall hesitate to do more than to communicate to the Count Andrassy the fact that such complaints have been made to me, and to send him a copy of the article from the "Scientific American," a copy of which I hereto append.

I am, &c.,

JOHN JAY.

[Inclosure.]

[From the "Scientific American," dated December 23, 1871.]

THE GREAT EXHIBITION AT VIENNA, 1873.

We published, on October 28th, of the present year, the announcement of the appointment, by the Emperor of Austria, of a commission to arrange for holding an inter-

national exhibition at Vienna, in 1873; and on November 18th our readers were given some further information on the subject, and some suggestions for organizing a proper representation of American genius and industry, based on our experience gathered in Paris, London, and elsewhere. The Austrian scheme is gradually getting into shape, the form and dimensions of the building having been decided upon. A building 3,000 feet in length and 660 in width is to be erected; this structure will be crowned with a cupola, about 330 feet in diameter. This will be finished by October 1, 1872. A separate building will be provided for exhibiting machinery in motion, and another for the works of art. The novel features in the arrangements have been submitted by us to public approval, and it now remains for the manufacturers, inventors, and scientists of the United States to decide upon their course of action.

Constructors and patentees who have introduced their inventions in European countries have suffered grievous ill-treatment at the hands of the Austrian authorities, whose regulations on the subject of patents are, to say the least, not formed for the protection and reward of foreign talent and ingenuity. One most vexatious rule is that which invalidates a patent unless the article be manufactured in the realm, within twelve months from the date of issue. Now, as patents are, in a measure, characterized by the locality in which they take rise, and are generally most economically worked in the country in which they originate, it is almost equivalent to prohibition to enact that the locomotive engines of Great Britain, the telegraph instruments of the United States, and the printed muslins of France shall be manufactured on Austrian soil within a year from securing the patent, and is a preposterous requirement, which ill comports with our liberal system of granting patents to their subjects.

But worse remains to be told. An American gentleman, having a manufactory at Vienna, was enabled to comply with this obnoxious rule; but he recently had a taste of Austrian legal administration. He had obtained a patent and commenced the manufacture of the article almost simultaneously, and two trustworthy and credible witnesses were produced to prove this fact, but the officials deemed their affidavits insufficient, and the manufacturer has been summoned before a court of justice to prove the introduction. Such hinderance of the rights of foreigners gives rise to an uncomfortable suspicion that the value of Austrian patents issued to Americans and other foreigners can be easily escheated to the benefit of the Austrian public. The inventor in question even goes further, and intimates that his production, being used by the Imperial Government, was specially and purposely hindered from its proper protection, that the authorities might more readily convey it to their own use, without reward to the patentee.

Under such laws, it would be well for the Austrians to consider whether their invitation to the nations is not likely to be met with a contumelious refusal. Here, as elsewhere, experience is valuable, and we remember that when we sent to Europe in 1851, 1855, 1862, and 1867, we took our inventions and processes to an open market. Neither in London nor in Paris was there any room for suspicion that our specimen machines and productions were there for Europeans to avail themselves of, the American being allowed a courteous protection of his invention while the exhibition lasted; but we do not learn that Austria proposes any such protection. The result of this most erroneous and destructive policy will easily be foreseen.

No. 29.

Mr. Jay to Mr. Fish.

[Extract.]

No. 418.]

AMERICAN LEGATION,
Vienna, March 7, 1872. (Received March 28.)

SIR:

Count Andrassy returned to the subject of the exposition, from which he anticipates large advantages to this empire; and I remarked that my attention had been called to an article in the *Scientific American*, (of which I send you a copy, with my No. 414, dated February 29,) which suggested that the existing patent-laws of Austria did not afford to foreign inventors and manufacturers sufficient protection, and that this fact might tend to defer Americans from sharing largely in the

exhibition; and I added that one or two American manufacturers in Vienna had also spoken to me on the subject.

The Count said that he was not himself familiar with the Austrian law of patents, but that in Hungary he had had occasion to take the ground that it was all-important that the genius of inventors should be encouraged and protected, and that he had pointed to the example of the United States as showing the wisdom of such a course, and its bearing upon the national wealth; that the suggestion, as bearing upon the exposition, was of immediate importance, and that he was greatly obliged to me for mentioning it, and hoped I would be good enough to address him a note which would go to the proper channel, as any suggestion from an American source on this point would be very valuable.

I did not hesitate to say that I would cheerfully comply with his request in advising him of the suggestions which had been made to me in reference to the points on which the operations of the existing laws bear hardly upon American manufacturers; and he said that, in return, he would inform me whether they would be prepared to amend the law generally, or to make any exception in favor of Americans by a special convention.

I find that the matter is one in which some of our inventors and manufacturers are already a good deal interested, and in which their interest may become vastly increased, should they be largely represented at the exposition.

* * * * *

I am, &c.,

JOHN JAY.

No. 30.

Mr. Jay to Mr. Fish.

No. 422.]

AMERICAN LEGATION,
Vienna, March 22, 1872. (Received April 11.)

SIR: I referred in my No. 418, dated March 9, to the request which the Count Andrassy had made to me, to advise him of the points in which the patent-laws of Austria were regarded as insufficient by American inventors; and I now append a copy of the informal note which I have since addressed to him on that subject.

I am, &c.,

JOHN JAY.

[Inclosure.]

Copy of Mr. Jay's note to the imperial and royal minister for foreign affairs.

AMERICAN LEGATION,
Vienna, March 17, 1872.

DEAR COUNT ANDRASSY: I was about writing to your excellency, in accordance with your request, to indicate some of the points in the practical application of the patent-laws of this empire, which have been alluded to as affording insufficient protection to American inventors, when I was favored by the Baron de Gagern with a copy of the dispatch on this subject, dated 11th March instant, addressed by you to the imperial and royal envoy at Washington, the Baron de Lederer.

I have read that dispatch with attention, and very highly appreciate the prompt desire which it exhibits on the part of the imperial and royal ministry of commerce to answer the objections which had been advanced by the Scientific American, and to

make known to American inventors and manufacturers, who might propose to assist at the World's Exposition, the disposition of the imperial and royal government to afford them every protection possible under its existing laws, or, perhaps, by a new statute to be ordained for the occasion.

If a difference of opinion shall still exist in regard to the sufficiency of that protection, it may perhaps naturally arise from the somewhat different policy which has been gradually adopted in the United States, in regard to patents, from that which seems to have inspired the legislation of Europe. The objection that the foreign patentee is required by the Austrian law to commence the manufacture of the patented article in Austria within one year, is frankly met in the note to the Baron Lederer, with an admission that such a limitation may often prove a hardship, and with the declaration that a request for a prolongation of the periods has never been refused. But the note lays stress on the importance of the provisions which requires the article to be manufactured in this country, as affording to domestic industry the earnings to be derived from the manufacture; and in support of this policy reference is made to a similar provision in the laws of Germany and of France, making the importation of patented objects manufactured abroad a ground for the extinguishment of the patent.

A somewhat different policy has been gradually adopted by the American Government, as may be seen from the copy of their latest act, which I have the honor herewith to inclose to your excellency, passed July 8, 1870, to revise, consolidate, and amend the former statutes, some twenty-five in number.

It has been suggested that the differences in the statutes of different countries, in regard to patents, may be generally traced to a difference in the general view taken of the character and position of the patentee; whether he is looked upon as a monopolist who owes all his rights to exceptional law, and who must be jealously watched and severely restricted; or whether he is regarded as a public benefactor, who is to be tenderly and kindly treated.

The legislation of Congress has inclined more and more to the latter view; and, while adopting, as the true principle, that the inventor and public are both to be treated nationally justly and impartially, its tendency has been to give more and more liberally encouragement and assistance to useful inventors.

Your excellency remarked, in our recent conversation, that you had had occasion, some time since, to refer to the example of America as exhibiting the wisdom of ample protection to inventors; and a brief reference to the statistics of the Patent-Office at Washington will exhibit the justness of your excellency's observation.

From 1840 to 1849 the average number of patents yearly issued were.....	550
During the next seven years the yearly average was.....	1,750
In 1858 the patents issued were.....	3,710
In 1859 the patents issued were.....	4,538
In 1869 the patents issued were.....	13,762
In 1870, new patents issued were.....	13,622
patents extended.....	1,010
	14,632

The Patent Office, which is a branch of the Interior Department, has thus become a most important institution, demanding the best skill in its various branches. The litigation occasioned by rival claims is giving birth to a series of decisions, which constitute a code of patent-law, and the most doubtful and difficult questions are being gradually defined with judicial exactness.

While the fees which may be found in section 68 of the accompanying law are moderate, the total revenue is large, and for the year 1869 was \$686,000, being \$213,000 in excess of the expenditures. Of the addition which has been made to the industrial wealth of the country through the medium of the Patent-Office, I have never seen an estimate, but it may be counted, as your excellency is aware, by hundreds of millions.

A glance at the American statute will show how carefully restrictions are avoided in regard to the time and place of manufacturing the article patented, which, in view of the condition of many of the inventors, would virtually deprive them of all protection. By the Patent Report for 1870, it appears that, in addition to the 14,000 patents issued, there were 1,009 patents allowed, but not issued by reason of the non-payment of the final fees, and it is not difficult to see that, in the case of workmen in American factories—to whom some of the most valuable inventions have been due—they would frequently find it quite impossible to secure a patent in Austria-Hungary, if compelled within a certain time to manufacture the article within the empire. It may perhaps occur to the honorable ministry of commerce that if the United States, with a rate of wages far higher than is known in Europe, can safely dispense with such a condition, trusting to general causes and not to a particular restriction for the promotion of domestic industry, results equally happy might be reasonably expected where a lower rate of wages afforded a direct incentive to home manufactures.

Your excellency is aware from our conversation that I have no instructions from my

Government upon this subject, and that the few observations which I now venture to offer are simply in response to your excellency's remarks that you would be glad to be advised of the objections which had been made by American inventors to certain provisions in the patent-laws of the empire which might, perhaps, lessen their eagerness to bring their manufactures to the World's Exhibition at Vienna.

But a friendly interest is felt by the Government of the United States in that exhibition, an interest to which your excellency alluded in your note of the 7th of January.

(⁴⁵
H. P.) as having been communicated through the Baron Lederer, and in regard to which, I am informed by the Honorable Mr. Secretary Fish, that the President has recommended the subject to the attention of Congress, and that it is favorably regarded by that body.

I have, therefore, no hesitation in frankly assuring your excellency that, if upon an examination of the patent-code of the United States, the imperial and royal government should feel disposed, as I understood your excellency to intimate might perhaps be the case, to modify in accordance with its policy some of the provisions of the existing imperial and royal code which are thought to bear hardly upon American inventors, and to base the protection of inventors in either country upon the same broad and simple principle of equal reciprocity which characterizes the convention on trade-marks, I will with pleasure recommend the subject to the favorable consideration of my Government, in the belief that the President will cordially embrace this opportunity of cementing the friendship of the two countries and of advancing their common interests by a generous and harmonious policy.

I pray you, sir, to accept the assurances, &c.,

JOHN JAY.

No. 31.

Mr. Jay to Mr. Fish.

No. 424.]

AMERICAN LEGATION,
Vienna, March 26, 1872. (Received April 11.)

SIR: To my No. 422, of the 22d March, was appended a copy of a note which, at the suggestion of the Count Andrassy, I had addressed to his excellency, on the limited protection afforded by the Austrian patent-laws to American manufacturers.

I have to-day received a preliminary response from the foreign office, a translation of which is appended, advising me that my note had been submitted without delay to the minister of commerce, Dr. Banhans, and that that minister will soon be ready to present to the Reichsrath the project of a special law for the provisional protection of articles introduced at the Vienna Exposition.

I am, &c.,

JOHN JAY.

Appendix.

[Inclosure—Translation.]

The imperial royal minister for foreign affairs to Mr. Jay.

As a preliminary response due to the esteemed note of the 17th instant, the content of which the undersigned minister of the imperial house and for foreign affairs communicated without delay to the imperial royal minister of commerce, the undersigned is glad to be enabled to inform Mr. John Jay, envoy extraordinary and minister plenipotentiary of the United States of America, that the undersigned has already been advised by that minister that he will soon be ready to present to the Reichsrath the project of a special law for the provisional protection of articles introduced at the Vienna Exposition.

The undersigned, &c., for the minister for foreign affairs.

VIENNA, March 25, 1872.

No. 32.

Mr. Jay to Mr. Fish.

No. 429.]

AMERICAN LEGATION,
Vienna, April 8, 1872. (Received April 25.)

SIR: It has occurred to me, in reference to the Centennial celebration at Philadelphia in 1876, that if it is proposed to invite the nations of the world to assist on that occasion, it is desirable that the United States should be properly represented at the Vienna World's Exposition of 1873.

I find that this idea is so fully shown by the Hon. John V. L. Pruyn, of Albany, the commissioner for the State of New York, appointed by the President, that I have the less hesitation in suggesting it for the consideration of the Department and of the President.

I to-day accompanied Mr. Pruyn, who arrived in Vienna last week, to the grounds appropriated to the exposition, where he viewed the works in progress designed by Mr. Scott Russell, of which I am advised by the Baron Orczy that plans have been furnished to the Department through the Austrian legation at Washington. A copy of some of them, obligingly presented by the general manager of the exposition, Baron Schwarz Senborn, I have forwarded, for the use of the national commission, to Mr. Charles H. Marshall, of New York, the alternate commissioner for the State.

The Vienna Exposition, as you are aware, is intended in magnitude of its scale, and the extent of its scientific character, to be superior to the expositions of London and Paris, and it will probably be the only affair of the sort in Europe prior to the American Centennial at Philadelphia. I am therefore inclined to think that a generous appropriation by the Government, to enable the manufacturers and the artists of America (a separate building at Vienna is appropriated to the fine arts since 1862) to be fairly represented at the approaching exposition, apart from the advantages which might naturally be expected from bringing the products of the United States to the knowledge of Eastern Europe and Western Asia, would be the surest method of insuring a reciprocal courtesy on the part of the governments of Europe with reference to our Centennial of 1876.

I have, &c.,

JOHN JAY.

No. 33.

Mr. Jay to Mr. Fish.

[Extract.]

No. 435.]

AMERICAN LEGATION,
Vienna, April 19, 1872. (Received May 9.)

SIR: I returned last evening from Pesth, where the diplomatic corps at this court had been informally invited to assist at the closing of the Hungarian diet by the King in person.

It was, I believe, the first occasion since the coronation of His Majesty in 1867, that the ambassadors and ministers, with their suites, had attended at the capital of Hungary, and we were received with marked cordiality by the court society and by the royal family.

The invitation is, I find, attributed, in part at least, to political motives

connected with the party struggle at Pesth, in which the opposition are aiming at the abrogation of the present union between Austria and Hungary, and the substitution of a simply personal and dynastic union, which would endow Hungary with an independent sovereignty, and entitle her to send and receive ambassadors. The national sympathies and characteristics of the Count Andrassy naturally incline him to gratify, as far as practicable, Hungarian pride; and the manner in which the diplomats were received at the Hungarian capital seemed to indicate a sincere gratification at their coming.

The Diet closed their sittings on Monday, the 15th, and the members of both houses belonging to the Deak (which is the government) party came in a body to pay their respects to their illustrious chief, Francis Deak, now in his sixty-ninth year, who lives at the same hotel where we chanced to be staying, "The Queen of England."

The speech made by Deak in response to their addresses seems characteristic of the frank, unselfish patriotism of the man, as he has been described to me by Andrassy and others, who know him well.

The next day—Tuesday—took place the formal prorogation of the Diet by the Emperor in person, in the throne-room of the palace. The Emperor's speech was well received, and the cheers with which the Emperor and the Empress were greeted on their separate entrance and departure, were more hearty and prolonged than at Vienna. I was, however, told in advance, that so bitter was the spirit between the government and the opposition, who had succeeded by their tactics in defeating the bill for quinquennial parliaments, that few, if any, from the opposition side would attend the prorogation, to listen to a speech from the throne, in which their course would probably be condemned. The royal message appears to be generally approved, and its language is suggestive of constitutional progress and national prosperity. It alludes to the reforms separating the judicial and executive departments, as increasing the public safety, to the organization of municipal and parochial establishments, based on the principle of self-government, as insuring a strict enforcement of the laws; to the increase of the public revenue, and its just appropriation for the improvement of justice, public instruction, a complete net-work of railways, and the establishment of the capital; to the ready vote for the development of the Honved institution; and the Emperor points to these measures, accomplished without an increase of taxes, as a proof of the increasing prosperity of the country. Alluding to the change in the military frontier provinces, he expressed the hope that there would soon be no fraction of the population of the monarchy not in the enjoyment of constitutional rights, and he concluded by referring to the friendly relations existing with foreign powers.

* * * * *

I have, &c.,

JOHN JAY.

No. 34.

Mr. Fish to Mr. Jay.

No. 218.]

DEPARTMENT OF STATE,
Washington, May 1, 1872.

SIR: Referring to your dispatch, No. 429, of the 8th ultimo, and to previous correspondence in regard to the World's Exposition to be held

at Vienna in 1873, I have now to state in reply that the subject has been presented to Congress, and now awaits the action of that body.

I am, &c.,

HAMILTON FISH.

No. 35.

Mr. Hale to Mr. Jay.

No. 226.]

DEPARTMENT OF STATE,
Washington, July 10, 1872.

SIR : Referring to previous correspondence in regard to the Vienna Exposition of 1873, I have now to inclose herewith a copy of an act of Congress of 10th June last, relating to the same, and to inform you that Mr. Thomas B. Van Buren, of New York, has been appointed by the President, by and with the advice and consent of the Senate, to represent the United States at said exposition.

I am, &c.,

CHARLES HALE,
Acting Secretary.

No. 36.

Mr. Fish to Mr. Jay.

No. 228.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR : It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews, in the principalities of Moldavia and Wallachia, were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power, pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering, directly or indirectly, in the public affairs of that quarter, the grievance adverted to is so enormous, as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of the Austro-Hungarian Empire, in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 37.

Mr. Jay to Mr. Hale.

[Extract.]

No. 451.]

AMERICAN LEGATION,
Vienna, July 26, 1872. (Received August 13.)

SIR :

Baron Schwarz said :

1. That he had reserved for the United States a space larger than

had been allotted to them in the Paris Exposition of 1867. That this space would be kept for them until the latest possible moment before the opening on the 1st May, 1873, although they hoped for as early a decision as possible from the commissioner of the United States, as to the amount which would be required, and also the names, &c., of the exhibitors.

2. That the rule requiring articles exhibited to be first approved by the commissioner representing the country of the exhibitor, applied not only to works of fine art, but to all; and the baron called my attention to the fourth of the "General Directions for the Foreign Exhibitors and Commissioners," printed paper No. 20, a copy of which I hereto append:

4. Foreign governments are invited to appoint commissions, with whom the chief manager will stand in direct communication upon all affairs concerning the exhibition. These commissions will have to represent the interests of their countrymen in all questions relating to the exhibition, and do their best duly to carry out its programme. Their task will be more particularly to issue invitations to take part in the exhibition, to receive application for space, *to decide on the admission of objects announced*, and to take charge of the forwarding, exhibiting, and returning of the objects of the exhibition, in accordance with the regulations laid down.

The baron said that he would send me to-morrow a plan of the building, showing the space which had been allotted to the United States, and also some memoranda, showing what is doing toward the exposition on the part of the governments of Europe, of Egypt, and in the East. He entertains the hope that the United States will be fitly represented, and expressed great pleasure at learning that the President had named a commission. At his request, I gave him Mr. Van Buren's address, and he said he would write immediately to the Austro-Hungarian consul at New York, to wait upon him and give him every information.

Baron Schwarz also expressed his earnest desire that the United States Government would present at the Vienna Exposition a perfect representation of the system of common school instruction adopted in the United States, a system, the results of which, he said, had been so wonderful.

He had read with singular interest the report upon American popular education, recently published in Paris, and which had attracted so much attention upon the Continent; and he prayed me to believe that an exposition of that system, illustrated by a school-house and its appurtenances, and its statistical results, would be a matter of profound interest and importance, not only to Austro-Hungary, but to the eastern peoples who adjoin this empire.

In view of the rapid progress recently made here in education, and the unusual interest now felt in the subject, I respectfully recommend that this suggestion of the Baron Schwarz be submitted to the Board of Education at Washington, as worthy of careful consideration.

* * * * *

I have, &c.,

JOHN JAY.

No. 38.

Mr. Jay to Mr. Hale.

[Extract.]

No. 452.]

AMERICAN LEGATION,
Vienna, July 30, 1872. (Received August 14.)

SIR :

His excellency the Baron Schwarz has to-day sent me a parcel of papers and plans, in accordance with the assurance he gave me yesterday. I append his note, together with a memorandum of the action already taken in regard to the exposition by the Governments of France, Italy, Belgium, Holland, Great Britain, Switzerland, Russia, Germany, Turkey, Egypt, and Persia, China, Japan, Siam, and the Brazils. Most of the governments have already sent special commissioners to Vienna.

I have, &c.,

JOHN JAY.

[Inclosure 1.]

Baron Schwarz to Mr. Jay.

[Extract.]

UNIVERSAL EXHIBITION, 1873, IN VIENNA. GENERAL MANAGER No. 2,830.

42 PRATERSTRASSE II, Vienna, July 27, 1872.

SIR: With reference to our interview of yesterday, I have the honor to send you herewith—

1st. A note on the participation of foreign states at the Universal Exhibition of Vienna, in 1873.

I have, &c.,

SCHWARZ SENBORN.

WELT-AUSSTELLUNG, 1873, IN WIEN. GENERAL DIRECTION No. 2,830.

42 PRATERSTRASSE II, Wien, a. m., ———, 1872.

The participation of foreign states to the Universal Exhibition, 1873, in Vienna, Austria.

France.—The French government has appointed a commission some time since, and the National Assembly has granted a sum of 1,000,000 francs toward the expenses of its exhibitors. From the very numerous applications for space from the most important firms in France, a very brilliant representation of this state, so far advanced in industrial branches, will be secured.

Italy will be represented at this more brilliantly than at any previous exhibition. A central commission in Rome, which has 500,000 lines placed at its disposal by both houses of Parliament, and, in addition, is firmly supported by provincial commissions, is vigorously working to present a complete representation of Italian industry and powers of production.

Belgium joins in a dignified manner the aforementioned states, the royal commission having at its head the Count of Flanders, the brother of the King, and 250,000 francs from the Chamber of Representatives and the Senate at its disposal. It has already received nearly 1,000 applications to exhibit from the world of art.

Holland, Spain, Sweden, Norway, Greece, and Roumania have also appointed government commissioners. Spain has granted 1,200,000 reals and Sweden 30,000 rixdalers.

Great Britain.—In England a lively interest is showing itself in participating at the exhibition. A government commission has been appointed, with His Royal Highness

the Prince of Wales as president. The commission is manifesting great activity, and anticipates a corresponding return on the part of the colonies.

Switzerland.—The Federal Council of Switzerland has also appointed a commission, and the Federal Assembly has made a grant of 400,000 francs to defray the expenses of Swiss exhibitors.

Russia.—The Imperial Russian commission is no less active than any of the other commissions. They propose showing, in a dignified manner, the great progress made in every branch of industry by this great empire since the last Paris exhibition in 1867.

Germany.—The German federal government has appointed, at Berlin, a central commission, supported by special commissions of the several states, has granted a very considerable sum toward the expenses of exhibitors, and taken the most extensive measures for advancing the purposes of the exhibition, as a consequence of which, the list of applications, numbering nearly 8,000 on the 1st instant, is closed.

Turkey, Egypt, Persia.—The Orient will be most brilliantly represented. In Turkey, Egypt, and Persia, there are special government commissions, appointed for the purpose of bringing to the exhibition the most prominent and peculiar productions of these countries, and securing an attraction to the exhibition not enjoyed by any of its predecessors.

China, Japan, Siam.—Even China, Japan, Siam will be officially represented, and visitors to the exhibition will therefore have the opportunity to publicly admire the highly interesting productions of these parts of the world, instead of viewing them in private collections.

Brazils.—His Majesty the Emperor of the Brazils has appointed two commissions, one at Rio Janeiro, the other at Vienna, from whose activity we may anticipate the most brilliant results.

Most of the governments have sent already special commissions to Vienna, for the purpose of making themselves acquainted with the progress of the works of the exhibition, and all matters of detail.

No. 39.

Mr. Jay to Mr. Fish.

No. 458.]

AMERICAN LEGATION,
Vienna, August 21, 1872. (Received September 10.)

SIR: I herewith append a translation of a law or order in council, recently promulgated by this government for the temporary protection of the rights of exhibitors at the Universal Exposition from the infringement of their inventions. The protection given is similar to that in the law of patents, and extends to the 31st December, 1873.

I append also a translation of a paper promulgated with the law, being an exposition of the motives which have led to its adoption, from which it would appear that a chief impelling motive was afforded by an article on the subject published in the *Scientific American*, a journal published at New York, on the 23d December, 1871.

It has been suggested to me that while the new order may afford protection to American exhibitors up to the 31st December, 1873, they will still be exposed to a loss of their future rights, unless they take out Austrian patents before that date, and that this, in the case of all American exhibitors who availed themselves of it, would involve time, trouble, and expense, and that, as in many cases the inventors and manufacturers would not themselves accompany their goods, it would be for some almost an impossibility.

It has been further suggested to me that the difficulties and expenses of securing Austrian patents by American inventors might be greatly lessened by mutual treaty stipulations, and that no more favorable moment could be found than the present for anticipating, on the part of the imperial and royal government, the favorable consideration of any plan for this purpose which might be presented by the Government at Washington.

I would therefore respectfully suggest, should it meet the approval of the Department, that the law and the accompanying paper be referred to the Commissioner of Patents for his opinion. I have understood that Mr. Commissioner Leggett has already given the matter of foreign patents to American inventors a good deal of attention, and has expressed the view that both congressional legislation and diplomatic conventions are essential to protect abroad the American interests.

If Mr. Leggett, with your approval, should draught a convention, the shorter and simpler the better for accomplishing this object, and I should be empowered to negotiate upon its basis, with such discretion as you might think proper to give, I am under the impression that the ministry would be inclined to listen favorably to any fair scheme based upon equal reciprocity, and that the strong and apparently universal desire now felt here that the United States shall be fitly represented at the Universal Exposition, will afford an additional and strong motive for expediting the conclusion of such a treaty.

I have, &c.,

JOHN JAY.

[Inclosure 1.]

Law upon the temporary protection of objects arriving at the Universal Exposition, of the year 1873, in Vienna, for the purpose of exhibition.

With the consent of both Houses of the Reichsrath, I find it expedient to order as follows:

ARTICLE I. Every native or foreigner who exhibits at the Universal Exposition of the year 1873, in Vienna, an object which, in accordance with the enactments of the law of the 15th August, 1852, (R. G. Bl., No. 184,) also of the two laws of the 7th December, 1858, (R. G. Bl., Nos. 230 and 237,) is appropriate for acquiring patent, mark, or pattern protection, can obtain from the director-general of the Universal Exposition a certificate of protection. The application in such case must be made to the director-general, at the latest before the time of the opening of the exposition, or before the subsequent introduction of the object into the exposition, and with a precise description of the object in question, to be made by the introducer, and as far as may be requisite to indicate it clearly, accompanied by suitable plans or designs in two identical duplicate copies, or two duplicates of the marks referred to or of the pattern or model, and in separate wrappers.

ARTICLE II. The certificate of protection will be gratuitously issued by the director-general of the Universal Exposition, with the co-operation and counter-signature of a person for that purpose designated by the minister of the provinces of the Hungarian crown, and insures to its acquirer from the therein indicated day of the entrance of the object in question, into the exhibition space; but in the event of the application being made after that time, then from the day of the bringing of the application, to be similarly indicated in the certificate of protection, up to 31st December, 1873, inclusive, the same rights which a regularly obtained patent or the regularly acquired registration of a mark, a pattern, or model would confer.

ARTICLE III. An appeal or complaint against the decision of the imperial royal director-general in regard to the issue or refusal of such a certificate of protection is inadmissible.

ARTICLE IV. In respect to applications of this nature, and the subsequent issue of protection certificates, a special register in two duplicates will be kept, of which, after the close of the exposition, one, with the respective applications and a duplicate of the accompanying description or marks, patterns, and models, is to be delivered to the imperial royal ministry of commerce, the other, with a duplicate of the accompaniments of the applications beforementioned, to the royal Hungarian ministry for agriculture, industry, and commerce.

ARTICLE V. The protection certificates issued will be published in the Austrian and Hungarian official journals. The examination of the register of protection certificates is open to all persons, while the accompanying descriptive plans, models, &c., will be kept secret, provided such be desired in the application.

ARTICLE VI. The minister of commerce is charged with the execution of this law.

[Inclosure 2.]

Report of the motives for the draught of the law for the temporary protection of objects arriving at the Universal Exposition of the year 1873 in Vienna, for the purpose of exhibition.

It is without doubt one of the chief aims, which are founded in creating a universal exposition, to bring to view to domestic industry, in the most complete and regular manner possible, the most recent productions, means of production, and manner of treatment, from all parts of the world, in order to excite the said industry, by careful and profound study, to further progress in the various branches of active trades.

On the side of the exhibitor anxiety exists in regard to possible imitations of their new inventions coming to the exposition, which weakens this important motive, and this anxiety in regard to the approaching Universal Exposition at Vienna has already appeared in the foreign press, and especially in an article of the New York journal, Scientific American, of the 23d December, 1871, which is of great circulation in industrial circles, wherein was expressed, in a marked manner, the want of a proper means of protection in the matter, and the danger arising thereby to foreign exhibitors. In fact, also, in the previous universal expositions, the governments connected therewith have provided by special laws in the matter, and, lastly, the French government by the law of the 3d of April, 1867. Therefore, the director-general of the Universal Exposition of the year 1873 has claimed the co-operation of the government, in order to preserve to exhibitors the intellectual property of their objects arriving for exhibition, so that the rightful advantages of the existing laws, and especially of the patent, marks, and pattern protection laws, may be possessed during the duration of the exposition.

Should the important above-mentioned aim of the Universal Exposition not appear to be in danger by the said not unfounded anxiety, nevertheless, in order to remove the same, an exceptional rule appears absolutely necessary, whereby every exhibitor, whether native or foreigner, may be assured of the requisite lawful protection, during the duration of the exposition, for the object exhibited by him, so far as may be embraced by the enactments of the laws for patent, for mark, for pattern protection, and, without further consideration, whether the exhibitor possesses a trading establishment in this empire, whether or not a reciprocity provided in the law of 15th June, 1865, (R. G. Bl., No. 45), is shown by the state to which he belongs in regard to the admission of protection of trade-marks, and, indeed, generally whether or not a convention shall exist between the state referred to and the Austro-Hungarian monarchy in regard to mutual maintenance of the protection of marks and patterns.

According to the manifest example of France, shown in the above-mentioned French law, the exhibitors, in order to obtain the requisite rights of protection apart from the competence thereto contained in the patent, in the mark, and pattern protection law, must apply exclusively to the director-general of the Universal Exposition with whom they are besides in correspondence; further, these protection rights should be conferred gratuitously in consideration of the short duration and the before-mentioned design of the Universal Exposition, which every exhibitor assists in promoting, as well as in consideration of the considerable expenses to which he is subjected by the transportation of the objects which he exhibits.

Inasmuch as such an exceptional rule, although only for a short time, involves an existing change in the patent, mark, and pattern protection laws, and can only be effected according to the enactments of articles 16 and 17 of the Austro-Hungarian customs and commercial union by mutual consent of the ministries of both countries, and in accordance with the legislation of both, therefore consultation upon the present draught of law, expressed and based upon the above principles, has been held with the royal Hungarian minister of commerce, and the latter has promised to introduce into the Hungarian Diet an analogous draught of the law.

To the several enactments of the present draught of law it is further to be remarked:

ARTICLE I. With a certificate of protection can manifestly in every case only one kind of lawful protection be acquired, namely, either the patent, or the mark or pattern protection, according as the respective object is adapted to the one or the other species of protection. Whether this material adaptation exists, must be decided according to the enactments of the several protection laws here cited, and for objects which are lawfully adapted for none of the mentioned kinds of protection, no certificate shall be granted; with this view a careful examination of the object for which a protection certificate is claimed, shall take place; in regard to which the executive instructions will contain the special provision. The allowance of a delay for bringing in the requisite applications is founded upon the nature of the circumstances shown, as well as on the short duration of the rights of protection. The necessity of two duplicates of the description or of the mark or of the pattern, is derived from the various designs as seen in Article IV.

ARTICLE II. Inasmuch as the articles of the Austro-Hungarian Customs and Com-

mercial Union, in the matter of patent, mark, and pattern protection, so far as relates to the introduction, extends over both countries, therefore a co-operation and counter-signature of an organ of the Hungarian government appears requisite in issuing protection certificates. The respective rights of protection to the objects acknowledged as adapted thereto, provided applied in due season, should be enjoyed during the whole duration of their being in the exposition buildings, and inasmuch as the duration of protection mentioned in every certificate is a limited one, therefore from the day of introduction into the exposition buildings; but in the event of the application being made after that time, then from the day of bringing in the application until the 31st December, 1873, inclusive, after which day, in accordance with the rules of the exposition, the whole of the objects of exhibition must be removed from the exposition buildings. Should the exhibitors wish to obtain for a longer duration the patent, mark, or pattern protection, then they must comply with the enactments of the laws relative thereto. There is no ground for any further exceptional treatment.

ARTICLE III. By the short duration of the protection referred to here, the admission of complaints against the determination of the director-general, in regard to the period of time that it should be permitted to exist, appears inexpedient; besides, so far as the protection certificates cannot confer more right than a regularly-obtained patent or the regularly-acquired registration of a mark or a pattern, therefore the authenticity of the protection certificate can always be contested by those who consider themselves prejudiced in their previously-acquired rights, in which respect the competency of the authorities referred to in the several protection laws remain unaffected.

ARTICLE IV. This regulation is grounded upon the absolutely necessary evidence of the protection certificates issued, and, on the other side, upon the respective relation existing between both territories of the Austro-Hungarian monarchy.

ARTICLE V. The exclusive rights acquired with the protection certificates can become operative against third persons only from the day of their publication, the necessity of which is thereby shown. The further enactment is in accordance with the enactments contained in the patent, mark, and pattern protection law.

ARTICLE VI. Contains simply the usual executory clause.

No. 40.

Mr. Jay to Mr. Fish.

[Extract.]

No. 460.]

AMERICAN LEGATION,
Vienna, August 27, 1872. (Received September 12.)

SIR: I herewith transmit to the Department (by the same post with this dispatch) the official list of foreign commissioners to the Vienna Exposition.

* * * * *

I have no hesitation in saying that I think it extremely desirable that our republic should be properly represented on this occasion.

While the increasing military preparations in every part of Europe seem to indicate, if not a warlike policy, at least a belief in the necessity and inevitable recurrence of war, with its terrific burdens in times of peace, as a chronic symptom of the European system, the Vienna Exposition, as its programmes significantly show, is a movement on a scale of unexampled magnitude in the direction of a higher civilization, looking to the elevation and happiness of the masses, and the encouragement of good-will between rival nationalities. In this view, despite the historic fact that former international expositions have been followed by wars, the Vienna Exposition is regarded as coming at a timely moment, to encourage the hope created by the Tribunal at Geneva, that some mode is attainable, consistently with the honor of governments and nations, for the peaceful settlement of international disputes.

While the Vienna Exposition thus accords with American principles, policy, and interests, a due regard to international courtesy and to our own prestige would seem to require that, on such an occasion, when all

the powers of the world are to assist, we should appear neither **reluctantly** nor parsimoniously, but with ready cordiality, and in a manner to give a just idea of our actual progress in science, art, education, **and** industry.

This view is enforced in no small degree by the importance attributed, it may be, for differing reasons, by the governments and the people of the Old World, to the example of our republic, its popular basis, its stability, and power, its material prosperity, its educational system, its enlarging political and moral influence; but at the present moment it is **invested** with a special force, by the fact that we propose presently to inaugurate a similar exposition at Philadelphia and to ask the powers of the world to assist in celebrating our centennial birth-year.

I presume nothing would more tend to insure a compliance with our wishes in 1876 than our appearance at Vienna in 1873, with an exposition conveying a just idea of our national progress.

Of the advantages to accrue to our inventors and manufacturers from their representation at Vienna, they require only the facts to enable them to form an intelligent appreciation. A glance at the latest maps of Eastern Europe, and especially of Austria, Hungary, and Russia, (copies of which I send,) showing that Vienna is the center of a fast extending network of railways, and the last commercial depot of Europe from which goods are distributed to the East. This exposition, the first of its kind in Eastern Europe, will not only attract visitors from Western Europe and from all parts of this Empire, but from Russia, the Principalities, Turkey, Egypt, and the farther East.

The extraordinary preparations for the exposition which are being made in Germany and other parts of the continent, and the earnest activity on the subject that is beginning to be shown in England, which has hitherto shown little interest in the matter, seem to indicate that the manufacturers of Europe attach to it a great importance. International commissioners are beginning to assemble at Vienna, to facilitate their arrangements, and the German commissioners as early as April engaged for their personal accommodation an apartment with nearly thirty rooms.

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In one branch of the exposition, that of education, Baron Schwarzenborn relies confidently upon the assistance of the United States, and a similar hope has been expressed to me by Count Andrassy, and the Barons Von Hoffmann and Orczy of the foreign office.

I have, &c.,

JOHN JAY.

No. 41:

Mr. Jay to Mr. Fish.

No. 463.]

AMERICAN LEGATION,
Vienna, August 31, 1872. (Received October 23.)

SIR: I have delayed my reply to your dispatch No. 228, dated 22d July, in reference to the Israelites in Roumania, on account of the absence of his excellency the Count Andrassy at his estates in Hungary.

The count returned a few days since, and on the 29th instant I had a conversation with him on the subject. I advised his excellency that it had been suggested to the department, and that the suggestion was

concurred in, that it was proper that the sympathy entertained in America for the inhumanly-persecuted Jews in the principalities of Moldavia and Wallachia should be made known to the imperial and royal government, as one of the protecting powers who were authorized to act in the matter under the treaty between certain European States. That while the United States were not a party to that instrument, and as a rule scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested, and that I would be glad to be able to advise you what was the present position of the question, and what steps, if any, were being taken for the protection of the Israelites.

His excellency said that a joint note was addressed some time since to the Roumanian government on the subject of the treatment of the Jews, in which Austria had united with the other powers.

The English government had recently proposed a further demand for the extension of their rights; but the construction upon which it was based was regarded as somewhat doubtful.

The question was attended with difficulties. To the general expression by the powers of the world that the ill-treatment of the Israelites in Roumania was unworthy of a civilized people, and that its continuance would lower the power by which it was tolerated, and assign it a position among the less civilized and enlightened nations, there could be no objection. Such an expression of opinion, whether on the part of Europe or America, would be proper and would undoubtedly have an influence. But in view of the actual state of the government of Roumania, of the attitude of the opposing parties, and of the prejudices of the people, which neutralized in such cases the power of the government by the right of trial by jury, the question of foreign intervention was one of extreme delicacy; and so far from accomplishing the desired object, an intervention might result in diminishing the ability of the government and in subjecting the Israelites to increased prejudice and further persecution.

The Prince of Roumania was known to be in favor of securing to them protection, and every effort of his government in this direction would be rather hampered than assisted by foreign intervention, for the reason that such intervention would give new strength to the opposition, and enable them to raise the cry that the government was administered by foreign influence, and had ceased to deserve the confidence of the people; and while the government was thus thwarted in its efforts to protect the Israelites, they would be more than ever exposed to insult and abuse, as the indirect cause of foreign interference in the affairs of the nation.

Such was the prejudice against them in parts of the country, that, as a natural thing, juries would not convict the perpetrators of outrages against them, however clear the evidence; and when the crimes were thus ignored by juries, the government was powerless to punish.

At the present time, with the disposition of the government to deal justly by the Israelites as far as they could accomplish it, and with the idea now beginning to prevail that the attention of the civilized world was aroused, and that any recurrence of the ill-treatment of the Israelites would be viewed with displeasure, and might result in foreign difficulties, there was reason to hope that they would not be repeated, and that there would be a gradual amelioration of their condition.

I have, &c.,

BOLIVIA.

No. 42.

Mr. Markbreit to Mr. Fish.

No. 167.]

LEGATION OF THE UNITED STATES,
La Paz, January 31, 1872. (Received March 2.)

SIR: According to the treaty of August 10, 1866, between Bolivia and Chili, establishing the boundary-line between the two republics, it was agreed that the twenty-fourth parallel of latitude south should constitute the dividing line; but that all guanos, minerals, &c., existing between the twenty-third and twenty-fifth parallels of latitude should belong equally to both countries. Since the conclusion of this treaty it has been found that the guano-deposits at Mejillones are of considerable value, and about two years ago the wonderfully rich silver mines of Caracoles were discovered by a Chilian, Diaz Gana. It is now feared by the Bolivian government that Chili may attempt to possess herself of these mines, as well as of the guano-deposits at Mejillones, availing herself of the first opportunity, with that purpose, which may offer. It is claimed that Chili is greedily waiting for some excuse, however trivial, to take this course. Mejillones is situated between the twenty-third and twenty-fourth parallels of latitude, while Caracoles, according to Bolivian opinion, lies north of the twenty-third parallel of latitude. I have had several unofficial conversations with the President and minister for foreign affairs upon this subject, and have found that their only hope seems to be, should such an emergency arise, to secure the intervention of the United States. Of course I have been careful not to commit in the slightest manner our government nor myself.

The guano-deposits at Mejillones are variously estimated at between four and ten million tons, while the mines of Caracoles, situated about one hundred and twenty miles from the bay of Mejillones, are said to contain immense riches. The capital invested at the latter place, chiefly by Chilians, amounts at the present time to about \$14,000,000. The population consists of about five thousand souls; while two years ago all that region did not contain a solitary inhabitant. A commission is now in session in this city, which has before it twenty-eight propositions made to the Bolivian government for the construction of a railway from the coast to the mines. Most of the propositions ask no guarantee from the government, but seek simply to obtain the right to construct the road.

This morning a battalion of infantry left this city for Caracoles, with the avowed purpose of maintaining order among the miners; but the real object evidently is to be, at least in some measure, prepared to meet any hostile movement on the part of Chili.

Whether the alarm felt by the Bolivian people relative to what they believe to be the attitude of that republic is well founded, the near future will show.

I am, &c.,

L. MARKBREIT.

No. 43.

Mr. Markbreit to Mr. Fish.

No. 177.]

LEGATION OF THE UNITED STATES,
La Paz, April 5, 1872.

SIR: By a decree issued January 31, 1872, the government of the Argentine Republic has virtually assumed jurisdiction over the entire territory constituting "El Gran Chaco." It appoints General G. Vedia as governor of the same, with headquarters at Ville Occidental. It is well known that the "Chaco" has been for many years in dispute between Bolivia, Paraguay, and the Argentine Republic. In the treaty of 1865 between Brazil and her allies in the Paraguay war it was expressly stipulated that the territorial rights to the Chaco should form a subject for future discussion and treaty between Bolivia, Paraguay, and the Argentine Republic. Bolivia, as I had the honor to report to the Department in my dispatch No. 170, had recently appointed Señor Reyes Cardona as her minister to Brazil and the states on the Plate, with instructions to treat upon this and other questions.

I am now informed by Dr. Corral that the Argentine Republic, without waiting for the arrival of Bolivian representative, (of whose appointment it had been notified,) has sent an armed force to a place called Carapari—claimed by Bolivia as Bolivian territory—where a slight encounter took place between Bolivian and Argentine troops, resulting in the withdrawal of the former and the death of one of their number.

When this news reached La Paz the government at once protested against this violation of Bolivian territory, at the same time issuing a decree calling out for service on the frontier four thousand militia, and appointing General Avila as general-in-chief. In the mean time Señor Cardona has been directed to depart at once for his diplomatic posts, and the matter, for the present, rests here.

It must be admitted that Bolivia has not been fortunate with her neighbors in questions referring to her boundaries. When, in the year 1825, the separation between "Alto" and "Bajo Peru" took place, and Bolivia became an independent nation, she was left with but one miserable port on the Pacific, (Cobija,) the very important port of Arica and the inland town of Tacna, both so very essential to Bolivia, remaining in possession of Peru.

Again, in the treaty of 1867 with Brazil, although she obtained the inestimable advantage of an outlet to the Atlantic, via the Amazon, yet it can hardly be doubted that Bolivia sustained material territorial loss.

In the treaty of "limites" with Chili in 1866 she was even more unfortunate, for she lost territory without getting anything in return; and now I fear she is about to have serious complications with one of the two only neighboring countries (the other is Paraguay) with which she has no boundary treaty.

I am, &c.,

L. MARKBREIT.

5 F R

BRAZIL.

No. 44.

Mr. Partridge to Mr. Fish.

No. 8.]

UNITED STATES LEGATION,
Rio de Janeiro, September 9, 1871. (Received October 7.)

SIR: I have the honor to say that the political condition continues here without change from what was set forth in my No. 3, August 25.

The emancipation bill, which has been the cause of so much excitement and discussion, passed the House of Deputies August 28, by a majority of 26 votes. It is now under discussion in the Senate, and has been warmly debated. This great measure of justice and humanity will, in all probability, pass that body also within a day or two, as the Chambers finally adjourn on the 15th of September.

The short crop caused by the frosts, &c., in the southern provinces, has raised the price of coffee far beyond what is justified by the sales abroad; yet large quantities are daily shipped to the United States.

I would respectfully suggest to the Department, in this connection, the propriety of considering what representations might properly be made to this government, with a view of inducing it to lower the duty here on articles, flour and lard especially, the production of the United States, consumed in Brazil, in return for and before we make at home a further reduction, or entire abolition of our duty on coffee.

It is much to be regretted, it seems to me, that something of the sort was not done previous to the reduction of our duty on coffee from five to three cents per pound. When it is considered that we take from the Brazilians three-fifths of their whole crop, upon which they depend exclusively to meet the cost of *all* their imports, and that the diminution of our duty on that article inured entirely to the benefit of the producer here, who instantly raised its price, it would seem that we ought to be able easily to come to such an understanding (without the trammels of a formal commercial treaty) as would secure to our products here some of the advantages at least to which our position as their best customer entitles us.

I am aware of the interest the President takes in this matter of enlarging and facilitating foreign markets for our wheat and flour, and the products especially of the Northwest, and as Brazil is the largest consumer of these, it might not be difficult under the instructions of the Department to come to some such understanding and mutual action by the two countries as should greatly increase the commerce between them.

If these suggestions should meet your approbation, I respectfully ask your instructions in that regard.

I am, &c.,

JAMES R. PARTRIDGE.

No. 45.

Mr. Partridge to Mr. Fish.

No. 13.]

UNITED STATES LEGATION,
Rio de Janeiro, September 23, 1871. (Received October 21.)

SIR: I have the honor to inclose to you a translation of the note just

received this evening from the minister of foreign affairs, by which it will be seen that Mr. Correia informs me that Her Highness the Princess Imperial Regent, in the name of the Emperor, has been pleased to appoint the Baron de Itajubá, now the Brazilian envoy, &c., in France to be a member of the tribunal of arbitration, under the first article of the treaty of Washington, (of May, 1871.)

The Baron de Itajubá is over sixty years of age, was educated for the bar, was professor of law in one of the schools in this empire, and he has been for more than twenty years resident in Europe as envoy to Prussia (where he married) and France. He has never served in, or lived in, England, and, from what I can learn, is a gentleman of learning, impartial disposition, excellent good sense and judgment. He has the complete confidence of the Emperor, who, of course, made the appointment, although it is communicated to us as having been made by the Princess Regent in his name. I do not know of any Brazilian who could have been chosen whose reputation for fitness and fairness would be better than that of Baron de Itajubá.

I hope it may be as acceptable in Washington, as it is certainly well-approved here.

Yours, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

RIO DE JANEIRO, DEPARTMENT OF FOREIGN AFFAIRS,
September 23, 1871.

In compliance with the promise expressed in my note of the 25th of last month to Mr. James R. Partridge, envoy extraordinary and minister plenipotentiary of the United States, I have the satisfaction to announce to him that her highness the Princess Imperial, Regent, in the name of His Majesty the Emperor, has seen fit to appoint the Baron de Itajubá, of the council of His Majesty, and now his envoy extraordinary and minister plenipotentiary in France, member of the tribunal of arbitration, to which the governments of the United States and Great Britain are to submit, in conformity with the stipulations of the treaty signed in Washington on the 8th of May of the present year, all the reclamations generally known as the "Alabama claims."

In making this communication to Mr. Partridge I avail myself of this opportunity, with pleasure, to reiterate the assurances of my high consideration.

MANOEL FRANCISCO CARREIA.

No. 46.

No. 15.]

UNITED STATES LEGATION,
Rio de Janeiro, September 28, 1871. (Received November 3.)

SIR: Asking your reference to my No. 13 of the 23d instant, in relation to the appointment of the Baron de Itajubá as one of the arbitrators at Geneva, I beg to add the following statements in regard to him, for your information.

Marcos Antonio de Araújo (now Baron de Itajubá) was professor of commercial jurisprudence in the law-school of Olinda, (now called the Faculty of Law of the Recife,) in the province of Pernambuco.

He resigned this place, and was sent in 1834 as consul-general of Brazil to Hamburg, where he remained some sixteen or seventeen years, and where he married a lady of fortune.

In 1852 he was named envoy extraordinary and minister plenipoten-

tiary of Brazil in Berlin, where he gained the highest consideration and respect, and especially the personal regard of the then prince of Prussia, now the Emperor William of Germany.

In 1867, receiving then the title of Baron de Itajubá, he was transferred as envoy, &c., to France, where he has ever since resided.

He is a native of the province of Minas Geraes, the mountain-country of the interior of this empire, from which so many of its best men have come.

The Baron de Itajubá has thus resided thirty-seven years in Europe, interrupted by hardly a visit to Brazil, and his studies and occupations there, as well as here, in early life, have fitted him for the place to which he has been named.

I am, &c.,

JAMES R. PARTRIDGE.

Annexed is a copy of my reply to the minister of foreign affairs notifying me of his appointment.

[Inclosure.]

UNITED STATES LEGATION,
Rio de Janeiro, September 27, 1871.

To the Councilor Mr. MANOEL FRANCISCO CORREIA,
Minister and Secretary of State, &c., &c., &c.:

I have received the dispatch (No. 3887) dated on the 23d September, in which the councilor and secretary of state, Senhor Manoel Francisco Correia, minister of foreign affairs, informs me that Her highness the princess imperial, regent, in name of His Majesty the Emperor, has been pleased to appoint the Baron de Itajubá, of His Majesty's council, and now envoy extraordinary and minister plenipotentiary in France, as a member of the tribunal of arbitration, under the first article of the treaty of Washington.

I have, by the packet of the 24th instant, already communicated this information to the honorable the Secretary of State at Washington, and I do not doubt that the President of the United States will learn with satisfaction the appointment of the Baron de Itajubá, who has so distinguished a reputation for learning and impartiality, which reputation, added to the confidence of the Emperor, of itself a high proof of his merits, ought to render such nomination entirely acceptable to both the powers concerned.

I desire to thank the councilor, Mr. Correia, for his promptness in making known to me this appointment in time for the packet, and I avail myself of the occasion to renew the assurances of my complete consideration.

JAMES R. PARTRIDGE.

No. 47.

Mr. Partridge to Mr. Fish.

No. 16.]

UNITED STATES LEGATION,
Rio de Janeiro, September 29, 1871. (Received November 3.)

SIR: You will be gratified to learn that the emancipation bill, securing the freedom of all children hereafter born in Brazil of slave mothers, which had previously passed the chamber of deputies on the 28th August, was adopted by the senate on the 27th September, received the imperial sanction from the princess regent next day, and is now a law of the empire.

The extinction of slavery in Brazil is therefore now assured. The

act, as passed, differs but little from the bill presented by this ministry to the Chambers on the 12th May last, as set forth in Mr. Wright's No. 171, dated 18th May. In fact, the only change that was not verbal, was the *striking out*, in the sixth article, of the provision that "the slaves now belonging to *religious orders shall be free after seven years*," thus leaving those slaves still such, just as the slaves now belonging to private persons, and extending freedom only to the *children of such hereafter born*. The order of Benedictines, however, has since the act voluntarily freed all the slaves belonging to them, and given them lands to cultivate, and it ought not to be doubted that others of the religious orders, Franciscans, Carmelites, Capuchins, and Augustinians, &c., will follow this example.

By the provisions (article 6) of the act, (1) the slaves belonging to the nation, who were occupied in custom-houses, dock-yards, &c.; (2) the slaves given in usufruct to the Crown, (at the well-known desire, and according to the example of the Emperor, who had already freed those belonging to him and the members of the imperial family;) (3) the slaves of masters dying without heirs; and (4) slaves not claimed by their masters, are declared now free at once.

Provision is also made for the maintenance by the masters or by the government for the children of slave mothers until twenty-one years of age, and for securing their occupation. The passage of this law was received with great enthusiasm, and, on the 27th, as soon as the vote was taken in the senate-chamber, roses and flowers were showered from the crowded galleries amid cheers and demonstrations of joy.

At night bands of music and processions with torches serenaded the ministers at their residences.

The minister of foreign affairs immediately sent to each of the foreign representatives here copies of the bill and documents relating to the project of emancipation, the receipt of which was acknowledged by notes generally in terms congratulating the government on the passage of this law.

Annexed (A) is the text of the law, with (B) a translation. Annex C contains printed copies of the notes sent by the foreign representatives, and manuscript copy of my own.

I am, &c.,

JAMES R. PARTRIDGE.

[Annex B to No. 16.]

[Translation of the law of Brazil, freeing the children of slave mothers born after its passage.]

THE LAW OF FREEDOM.

Law No. 2040 of September 28, 1871.

The Princess-Imperial Regent, in name of His Majesty D. Pedro II, makes known to all the subjects of the empire that the Assembly General has decreed and she has sanctioned the following law:

ART. 1. All children born of slave women in the empire, after the date of this law, shall be free.

§ 1. The said minors shall remain in the power, and under the authority of the owners of their mothers, whose obligation it shall be to rear and take care of them until they complete the age of eight years.

On the child arriving at this age, the owner of the mother shall have the option, either to receive from the State 600,000, as compensation, or to have the use of the minor's services until he completes the age of twenty-one years.

In the first case, the government shall receive the minor and dispose of him in conformity with the present law.

The pecuniary compensation fixed above shall be paid in bonds drawing the annual interest of 6 per cent., and which shall be held extinct at the end of thirty years.

The declaration of the master must be made within thirty days, counting from that on which the minor reaches eight years of age; and if he do not make it therein it shall remain understood that he chooses to retain the services of the said minor.

§ 2. Any of the minors may redeem himself from the onus of service by previously tendering, either by himself or by another person, pecuniary compensation to the owner of his mother, valuation of his services for the unexpired time being made, in case there be disagreement as to the amount of said compensation.

§ 3. The owners will have also to rear and care for whatever children the daughters of his slaves may bear while they are serving him.

However, such obligation will cease so soon as the period of service to be given by the mothers is at an end. If these die within the term their children may be placed at the disposal of the government.

§ 4. If the slave woman obtains freedom, those of her children under eight years of age who are in the power of her owner, by virtue of § 1, shall be delivered up to her, unless she prefers to leave them, and the master agrees to keep them.

§ 5. In the case of alienation of the slave woman, her free children under twelve years shall go with her, and her new owner shall be subrogated in the rights and obligations of the former one.

§ 6. The apprenticeship of the children of the slave women shall cease before the time fixed in § 1, if it be recognized by a sentence of a criminal court that the owners of the mothers ill-treat them, by inflicting excessive punishment on them.

§ 7. The right conferred on the masters in § 1 is transferred in cases of forced (*i. e.*, by law) succession, and the child of the slave shall render service to the person to whom the said slave woman falls in the division of the succession.

ART. 2. The government may deliver to associations authorized by it whatever children, born of slaves since the date of this law, are allowed to be at large or abandoned by the owners of the slaves, or are withdrawn from the owners' power by virtue of art. 1, § 6.

§ 1. The said associations shall have right to the uncompensated services of the minors up to the complete age of twenty-one years, and may assign such services, but shall be bound:

1. To rear and take care of said minors.

2. To form for each of them a peculium, consisting of the quota reserved for this purpose by the statutes of the association.

3. To obtain for them suitable employment at the end of their service.

§ 2. The associations treated of in the foregoing paragraph shall be subject to the inspection of the judges of orphans, as to the minors.

This provision is applicable to foundling hospitals, and to persons whom the judges of orphans may intrust with the education of said minors, in default of associations or establishments created for such purpose.

§ 3. The right is reserved to the government of placing the said minors in public establishments; the State, in this case, assuming the obligations imposed by § 1 on authorized associations.

ART. 3. In each province of the empire as many slaves shall be freed annually as will correspond to the quota annually disposable from the fund intended for emancipation.

§ 1. The emancipation fund is formed from—

1. The tax on slaves.

2. The imperial taxes on the transmission of property in slaves.

3. The product of six lotteries annually, exempt from taxation, and the tenth part of all granted hereafter for drawing in the capital of the empire.

4. The fines imposed by virtue of this law.

5. Sums voted in the imperial, provincial, and municipal estimates.

6. Subscriptions, donations, and legacies for the purpose.

§ 2. The sums voted in the provincial and municipal estimates, and all subscriptions, donations, and legacies, with local destination, shall be applied to emancipation in the provinces, comarcas, municipalities, and parishes indicated.

ART. 4. To the slave is permitted the formation of a peculium, with what comes to him by donation, legacies, and inheritances, and with what, by consent of his owner, he obtains by his labor and savings. The government shall provide in the regulations for the placing and safety of said peculium.

§ 1. By death of the slave half the peculium shall belong to the surviving spouse, if there be one, and the other half shall be transmitted to the heirs, according to the civil law.

In the failure of heirs the peculium shall be adjudicated to the emancipation fund treated of in art. 3.

§ 2. Every slave who, by means of his peculium, obtains the means of indemnifying his services, has right to liberation. If the compensation be not fixed by agreement it

shall be so by arbitration. In judicial sales or inventories the price of liberation shall be that of valuation.

§ 3. It is, moreover, permitted to slaves, in favor of their liberty, to contract with a third party the rendering of future services for a time not exceeding seven years, with the consent of the master and the approval of the orphan court.

§ 4. Any slave belonging to joint owners, if freed by one of them shall have right to his liberation on indemnifying his other owners for the shares belonging to them. This compensation may be paid with services rendered for a term of not over seven years, in conformity with the preceding paragraph.

§ 5. Liberation by contract with the stipulation of rendering service during a term of years shall not become annulled because of the non-performance of the stipulation, but the freedman may be forced to fulfill it by labor in public establishments, or by contracts of hire with private persons.

§ 6. All liberations, whether gratuitous or with onus, shall be exempt from every tax, fee, or expense.

§ 7. In cases of alienation or transmission of slaves it is forbidden, under penalty of nullity, to separate spouses, or children under 12 years of age, from their father or mother.

§ 8. If the division of chattels between heirs or partners does not comport with the union of a family, and no one of them proffers to keep it under his dominion, replacing the shares of the others interested, the family shall be sold together and its product divided.

§ 9. Ord. Book IV, Tit. 63, is hereby derogated in that part which revokes liberations because of ingratitude.

ART. 5. The emancipation societies already organized, and those hereafter formed, shall be subject to the inspection of the orphan-judges.

Only §. Said societies shall have a lien on the services of slaves liberated by them, in compensation of the price of purchase.

ART. 6. The following slaves are now declared free:

§ 1. The slaves belonging to the nation; to whom the government may give whatever employment it thinks proper.

§ 2. The slaves given in usufruct to the Crown.

§ 3. Slaves of unclaimed estates.

§ 4. Slaves abandoned by their owners:

If these abandon them as invalids, they shall be obliged to maintain them except in case of poverty, and the aliments shall be fixed by the orphan-judge.

§ 5. In general, the slaves liberated by virtue of this law remain for five years under the inspection of the government. They are bound to hire themselves out, under penalty of being compelled, if living in vagrancy, to labor in the public establishments.

However, the compulsion to work shall cease whenever the freedman exhibits a contract of hire.

ART. 7. In suits in favor of freedom:

§ 1. The process shall be summary.

§ 2. There shall be *ex-officio* appeals where in all cases the decisions are against freedom.

ART. 8. The government shall order a special registration to be made of all the slaves existing in the empire, with declaration of the name, sex, condition, fitness for labor, and the parentage of each, if it be known.

§ 1. The time for the opening and closing of the registration shall be announced with all possible antecedence, by means of repeated notices, in which the provisions of the following paragraph shall be inserted:

§ 2. All slaves who, through the fault or omission of the interested parties, are not given for registration within a year after its close, shall be *ipso facto* held free.

§ 3. For the registration of each slave the owner shall pay, once only, the fee of 500 reis, if within the time fixed; or of 1\$000, if it be exceeded. The product of this fee shall be applied to the costs of the registration, and the excess to the emancipation fund.

§ 4. Slave women's children free by this law shall also be registered, in a separate book.

Masters omitting to do so, through negligence, shall incur a fine of 100\$ to 200\$, repeated for every individual omitted; and if through fraud, the penalties of art. 179 of the criminal code.

§ 5. The parish priests shall be obliged to have special books for the registration of the births and deaths of slaves' children born since the date of this law. Each omission shall subject the priest to a fine of 100\$.

ART. 9. The government may in its regulations impose fines up to 100\$, and penalties of simple imprisonment up to a year.

ART. 10. All contrary provisions are revoked.

She therefore commands all the authorities to whom the knowledge and execution of the foregoing law pertain, to fulfill it and cause it to be fulfilled and kept entirely as therein contained. The secretary of state for affairs of agriculture, commerce, and

public works shall cause it to be printed, published, and spread. Given in the Palace of Rio de Janeiro, on the 28th of September, 1871; 50th of Independence and the Empire.

[Signed]

PRINCESS-IMPERIAL REGENT.

THEODORO MACHADO PREIRE PEREIRA DA SILVA.

Introduced, May 12, 1871, into the Chamber of Deputies, by the Minister of Agriculture.

Passed, August 23, by the Chamber of Deputies, by 61 votes to 35.

Passed, September 27, by the Senate, by 32 votes to 4.

Sanctioned, September 28, by the Regent, the Princess-Imperial D. Isabel Countess d'Eu.

Cabinet of March 7, 1871.

Conselheiro the Visconde do Rio Branco, President of the Council of Ministers, and Minister of Finance.

Conselheiro João Alfredo Corrêa d'Oliveira, Minister of the Empire,

Conselheiro Francisco de Paulo Negreiros Sayão Lobato, Minister of Justice.

Conselheiro Manoel Francisco Corrêa, Minister of Foreign Affairs.

Conselheiro Domingos Nogueira Jaguaribe, Minister of War.

Conselheiro Manoel Antonio Duarte de Azevedo, Minister of Marine.

Conselheiro Theodoro Machado Freire Pereira da Silva, Minister of Agriculture, Commerce and Public Works.

Copy of Mr. Partridge's note to the minister of foreign affairs, in answer to his note of September 28, 1871, inclosing certain printed documents, in relation to the emancipation bill.

UNITED STATES LEGATION,
Rio de Janeiro, September 28, 1871.

I have had the pleasure of receiving the printed documents which his excellency the Councilor Señor Manoel Francisco Correia, minister and secretary of state, had the goodness to send me, consisting of the opinion of the council of state in 1868, the report and bill of the deputies in 1870, and the report of the special committee of this year upon the project offered by the government, in relation to the servile population, which bill, having passed the senate also, and received the imperial sanction, is now a law of the empire.

In returning my thanks to his excellency the Councilor Correia, &c., I desire to add, also, my sincere congratulations on the passage of this beneficent law, which secures freedom to every human being hereafter born in Brazil.

The enactment of this law will be received with satisfaction by all nations, and no one of them will rejoice more than the people of the United States. They have already given proof of their support by their adoption of these same principles, which, through the patriotism and firmness of the Brazilian Chambers, and the enlightened wisdom of His Majesty the Emperor, have now passed into a law, as indispensable to the material progress of any nation as it is demanded by considerations of humanity and Christian charity.

And I take occasion to repeat to his excellency, the Councilor Señor Manoel Francisco Correia, the assurances of my complete consideration.

JAMES R. PARTRIDGE.

No. 48.

Mr. Davis to Mr. Partridge.

No. 19.]

DEPARTMENT OF STATE,
Washington, October 21, 1871.

SIR: In reply to your dispatch No. 13, of the 23d ultimo, communicating the agreeable intelligence of the appointment by the princess regent of Brazil, in the name of the Emperor, of Baron de Itajubá to be a member of the Tribunal of Arbitration under Article I of the

Treaty of Washington, I have to express to you the sincere gratification afforded to the President by the selection of so eminent and learned a gentleman.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 49.

Mr. Fish to Mr. Partridge.

No. 21.]

DEPARTMENT OF STATE,
Washington, October 26, 1871.

SIR: Your dispatch No. 8, of the 9th ultimo, was duly received. That part of it which relates to the diminution of duties on certain principal articles of export from the United States to Brazil was referred to the Secretary of the Treasury, a copy of whose answer upon the subject is herewith inclosed. This Department concurs in the views of Mr. Boutwell. It is desirable that the fiscal legislation of all foreign countries should be so shaped as to increase their consumption of the products of the United States, and the state of the trade between this country and Brazil makes such legislation on the part of the latter particularly to be desired, and it is to be hoped that Brazil may find it consistent with her interests to make such changes as may tend to an increased introduction of the products of this country.

The disparity of the rates of duty upon certain leading articles, the production of the one country imported into the other, has from the beginning of our diplomatic intercourse with Brazil been pretty much the same as it now is.

The representations which from time to time may have informally been made by us upon the subject, appear to have had no effect in changing the policy of that government. Threats of a countervailing duty upon Brazilian coffee do not at any time appear either to have been made by us, or to have been apprehended by Brazil.

The statesmen of that country are probably aware of the extensive consumption, positive and comparative, of Brazilian coffee in the United States.

If, in your unofficial intercourse with leading men in Brazil, it should be in your power, without giving offense, so to impress them with the injustice of their duties on flour and lard from this country, as to lead to their material reduction, you would render a service which would signalize your mission, and would merit the thanks of your Government.

I am, &c.,

HAMILTON FISH.

No. 50.

Mr. Partridge to Mr. Fish.

No. 19.]

UNITED STATES LEGATION,
Rio de Janeiro, November 1, 1871. (Received December 20.)

SIR: I have the honor to acknowledge the receipt of your Nos. 11, 12, and 13.

Your No. 12 informs me that the report of the Brazilian minister of foreign affairs, which is declared in Mr. Wright's dispatch No. 185 to have been sent to the Department, has not been received.

I have now sent in the dispatch-bag, addressed to the Department and forwarded by the consulate, which will go by the steamer *Merrimac* on the 26th instant to New York, the "relatorio" or report of the Brazilian minister of foreign affairs, presented to the legislative general assembly on the 12th May, 1871. The pages (532 to 580 inclusive) which are framed in red ink contain the documents relating to foreign property in Paraguay, which was declared by French and Italian claimants to be theirs, and to have been plundered or sacked by officers and others of the Brazilian army. At page 564 will be found (No. 193) the note addressed to the Italian legation here, in relation to the claim of Chapperon, the Italian consul in Paraguay. On the following page (565) is the "memorandum" annexed to the foregoing note, a translation of which is stated upon the legation record here to have been inclosed in Mr. Wright's No. 185. I presume that translation reached the Department, but to avoid possibility of mistake I have caused to be made out, and now inclose, another translation of that "memorandum," and of the preceding note also. I think that I ought to add that the general impression here, arising from these statements and proofs, especially from the documents annexed to the memorandum, (a list of which is at page 579, translation page 55,) demonstrates very clearly that these two claims, French and Italian, were grossly exaggerated, if not, in greater part, fabricated. Chapperon was from all accounts a tool in the hands of Lopez; and who actually stood by and saw several of his countrymen shot by order of Lopez, without any (apparent) intervention by him on their behalf. It also appears that he exacted payment from his countrymen and others for the storage and shelter, in his consulate, of goods belonging to them.

It also appears that he refused to surrender, before the sack, many valuables so left with him; and he was assassinated, it is said, by some of his own countrymen in Buenos Ayres, in revenge for his desertion of their interests confided to his charge, and for not interfering on behalf of the lives of others, (their relatives,) who were sacrificed by Lopez. I have had a conversation with Baron Cavalchini, the Italian envoy here, in relation to this matter. He maintains that there was a robbery of many goods and valuables by Brazilian officers and soldiers, at the moment of occupation; that the "termos" (or reports by Brazilian officers to their commander-in-chief) of merchandise, jewels, and money, found in various houses at that time, were lists of such goods, &c., only as were left after such sack, or as were found in such houses as had not been broken into and robbed. He also stated to me, in the same confidential conversation, that it was his belief, and which he thought supported by many incidents, that Chapperon was assassinated not by Italians, but by Brazilians, and officers of their army, against whom he could have given or procured very damaging testimony in relation to the sack at the moment of occupation.

I am, &c.,

JAMES R. PARTRIDGE.

Translation of the note of the imperial government to the Italian legation in relation to the claim of Chapperon.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 11, 1871.

The Italian legation, by order of its government, has urged in conference and by note the reclamation which the late Italian consul in Paraguay, Chapperon, addressed on the 6th February, 1869, to Marshal Guilherme Xavier de Souza, commander-in-chief of the Brazilian troops in that republic.

The said consular agent imputed to the Brazilian troops, which occupied the Paraguayan cities of Asuncion and Luque, the sack of his houses, which he says took place after the occupation.

The above-mentioned general and this ministry met the charge, by presenting the reports of officers who had been intrusted with the police of those two cities.

But the above-mentioned legation having renewed the claim, the government of His Majesty the Emperor requested his royal highness the Conde d'Eu, then commander-in-chief of the Brazilian forces, to forward other and more circumstantial information in relation to the facts alleged by the aforesaid consular agent.

The same request was made to the special mission of Brazil, then on service in the river Plate.

The information obtained in reply to these requests, confirms the answers which one of my predecessors and Marshal Souza gave to the above-mentioned claim, the former in a communication dated February 14, 1869, the latter in a conference of April 19, and in a note of June 15 of the same year.

From the inclosed memorandum, which I have the honor to forward to the Chevalier Afonso Gonella, chargé d'affaires of Italy, will appear the reasons why the imperial government insists upon its first answer.

To this memorandium are also annexed several documents corroborative of the facts relied on.

In the examination of a subject like this, delay was unavoidable, since the facts and information relating to it had to be obtained out of the country, as was stated in the note of December 18, 1869.

It was proper to hear the statements of those Italian subjects who had not perished in the Cordilleras in consequence of the privations and scourgings they had suffered, and those who had not been executed by order of Marshal Lopez.

It was only with great difficulty that the commander-in-chief of the Brazilian army could re-assemble the Italians who had survived the persecutions of the dictator.

Involuntary delay in the solution of this question was also occasioned by the change of the cabinet, at the moment when the preparatory work indispensable in such matters had just been completed.

I approve the opportunity to renew to the Chevalier Gonella the assurances of my most distinguished consideration.

MANOEL FRANCISCO CORREIA.

[From the "relatorio" or report of the Brazilian minister of foreign affairs to the legislative chambers, May, 1871, on page 565.]

Translation of the memorandum accompanying the note of the counselor Manuel Francisco Correia, minister of foreign affairs, &c., to the Italian minister, dated 11th May, 1870.

Baron Cavalchini, envoy extraordinary and minister plenipotentiary of His Majesty the King of Italy, at a conference, on the 19th of April, 1869, stated by order of his government, that his government had received from Mr. Chapperon, consul in Paraguay, a report upon the entry of the Brazilian forces into Asuncion and Luque, and consequent outrages, embracing the sack of his houses and the consulate itself, and damages to many Italian subjects; Baron Cavalchini added that his government was obliged to give the greatest attention to this matter, but that it awaited a second report from Mr. Chapperon, that it might again address itself to that of Brazil.

In a note of the 1st June, Baron Cavalchini observed that, from the documents annexed to the report of this department in the said year, 1869, it is seen that the complaints he had presented at the conference of the 19th of April were not devoid of foundation, as, in fact, Asuncion and Luque had been sacked.

In the first of these cities the Italian consulate was sacked on the 5th of January, notwithstanding it had been occupied by the Brazilian army since the 1st, and in the second the event occurred also on the 5th, upon the entry of a force commanded by Colonel Vasco Alves.

Finally, with his note of the 6th December, Baron Cavalchini presented, by order of his government, a statement of the damages which the royal consulate and some Ital-

ian subjects, resident in Asuncion and Luque allege that they had suffered when those cities were occupied by the Brazilian troops.

Before presenting the information and evidence which nullify the complaints made, it is necessary to consider the arguments upon which they are based.

Mr. Chapperon, as well in the documents accompanying the said note of the 1st December, 1869, as in his dispatch of the 6th February, of the same year, addressed to Marshal Guilherme Xavier de Souza, presents only in support of his claim his own assertions.

In opposition to these appear the statements of the general and other officers of the Brazilian army.

In view of two contradictory statements, and without regard to the greater or less credit which each one may merit, it becomes necessary, for the discovery of the truth, to make a rigorous analysis of both. Mr. Chapperon states that the alleged sacking of his houses in Asuncion and Luque took place on the 5th January. Mr. De Cuverville, ex-consul of France, in Paraguay, who occupied at Luque a part of the house in which Mr. Chapperon resided, and who also made accusations against the Brazilian troops similar to those under consideration, disagreeing in an essential point, asserts that the alleged sacking of his house, at the said city, took place on the 6th, and that of his house in the capitol on the 7th.

In a memorandum of the 2d instant, the imperial government shows that the imputation of Mr. De Cuverville is unfounded, confronting it with notorious facts, and taking into consideration dates cited by the Brazilian generals. The same method will be pursued in this memorandum. One cannot but feel surprised that he, who mentions the date of the alleged sacking at Luque, and in the capitol, should not state at the same time why he did not remain there, whether he retired, and what the motive of his not being present at those points at which he could have watched over his own interests, and those which had been confided to him, and of his being where there was nothing to protect. "The absence of the consular agent from Asuncion at a moment when it was about to be subjected to military rule," said the Duke of Caxias, in his reply of the 26th January, 1869, to Mr. De Cuverville, "was, naturally, a grave difficulty in the way of the regular and orderly occupation of the enemy's capital; because there were wanting even those who might point out the residences of the said agents, and in general the houses which, containing merchandise or objects of value, might demand special protection."

Mr. Chapperon knew, and argues therefrom, that the Brazilian general as soon as he entered the place began to police it, posting guards at certain houses, and taking other measures for the protection of life and property.

Nothing more natural, therefore, than that Mr. Chapperon, consul of a friendly nation, should seek the military authority, point out his own residence and those of his fellow-countrymen, asking such measures as he might deem best adapted for the protection of those habitations.

Thus proceeding, Mr. Chapperon would have maintained the strict neutrality of his government, and, at the same time, would have fulfilled his duty in watching over Italian interests. But that agent only appeared when he thought it opportune to accuse the Brazilian troops of having sacked his residences. And this grave accusation rests alone upon the assertion of the claimant, who did not take a single step for the protection of the interests under his charge. And the responsibility of the Brazilian army for the alleged sacking is deduced precisely from the fact of its generals and officers, immediately upon entering Asuncion, having taken all the precautions, humanly possible to protect the houses, where it was supposed there might be objects of value. How could the Brazilian chiefs know which were the houses of the consular agents, and of the subjects of neutral nations, and those which contained objects of value and commerce? In the entire absence of information from the parties interested, or from any other source, the military authority, when exploring the place, had to post sentinels, not at the houses where they knew articles of value existed, but at those which it seemed might contain them.

Of course, under such circumstances, the precautions taken could not be complete; above all, considering that the Brazilian army entered a city which was entirely unknown to it, and where no one was to be found to furnish the indispensable information needed to enlighten it as to the protection of neutral property.

It was thus arguing that Baron Cotegipe, in the said conference of the 19th April, 1869, repelled the responsibility imputed to the Brazilian troops for the alleged sacking, whether this occurred before or after the occupation of the Paraguayan capital.

Neither the belligerent who occupies a "place forte," nor he who abandons it to another belligerent, can be responsible for the losses which may be suffered by the subjects of neutral nations during the interval which intervenes between the retiring of one and the regular establishment of the other.

It can be understood that during this interval the place may remain at the mercy of unscrupulous adventurers.

This was precisely what occurred in Asuncion, abandoned by the Paraguayans a long time before the Brazilian troops entered it.

When one of the belligerents occupies any "place forte," or city, which may be under a proper administration, little inconvenience can arise from this fact, so long as the principles of modern international law shall be observed. But if the occupant, as in the present case, finds everything disorganized, and does not meet any one who can enlighten him, or furnish the information necessary under such circumstances, irregularities must occur, which will be repeated at all times, in all countries, in all wars the same causes being present.

The Brazilian army cannot, therefore, be responsible for the criminal or reprehensible acts perpetrated while it did not control the place; or while, after having entered it, it was not possible for the Brazilian generals and officers to carry into effect the measures which they considered indispensable.

The first care of the Brazilian generals upon entering Asuncion was to take measures for the protection of property. It is, therefore, strange that this worthy procedure, in place of praise, should provoke accusations; that these generals should not have prevented depredations, committed without their knowledge, and which moreover occurred, as everything would induce the belief, before the army had occupied the capital and the city of Luque.

He who, in a city in its normal condition, charges himself with the safe-keeping or deposit of certain property does not hold the local administration responsible if, by chance, such property shall be stolen. He has rather to prove before the tribunals that there was no want of due care on his part, without which he is not relieved from responsibility for the loss of the property, even in the case of *vis major*. (*Depositaries omni qui dicit se rem amicitiae*. Doneau upon Law, 7th Code *Depositae*. Such is also the doctrine laid down in note No. 5 to the Art. 1845 of the Italian Civil Code, with notes of Vincenzo Cattaneo, vol. 2, page 1451.)

The alleged sacking might have been one of the accidents of the *vis major*, of which the cited article 1845 treats; but inquiry must be made if the depositary took measures to guard what was confided to his safe-keeping, or if he abandoned, without just cause, the places where the deposits existed. In a dispatch of the 12th February, 1869, published at page 98 of the report of this department of the same year, Colonel José Pereira da Silva, jr., says:

"After our battalions had entered, I passed along some of the streets, and observed that, in front of the houses which showed the arms of foreign consulates, guards had been posted by order of Colonel Hermes Ernesto da Fonseca, who on the night of the 1st January had landed at this port, and asking why they were there, the respective commanders replied that it was to prevent those houses from being violated; afterward it was known that from the interior of adjoining houses they had been entered and robbed, but it could not be discovered by whom, because on the said night of the 1st a Paraguayan force was here, and since the said night a multitude of suttlers and adventurers, who accompany the expedition by sea and land, were already here."

In dispatches of the 17th January, 10th February, and 4th March, published at pages 93, 95, and 104 of the cited report, Colonel Hermès da Fonseca states the precautions he took to police the place as soon as he arrived there, and the difficulties he encountered in the execution of this commission from the total absence of any one who could furnish him with the necessary information.

In these dispatches the purpose to repress any attack upon private property is clearly demonstrated.

As regards the measures taken at Luque, Colonel Vasco Alves Pereira states them in the following manner in a dispatch of the 5th February, published in the said report at page 91:

"His excellency the Marquis, marshal and commander-in-chief, having ordered me to occupy this point, and that I should carefully examine all the houses in order to ascertain if they contained any material of war, as soon as I received this order I sent Major João Baptista Barreto Leite, assistant deputy adjutant-general, attached to this command, to examine the whole settlement, with the view of ascertaining if he could find any house showing any indication or sign that it belonged to any other nationality than that of the country, and, if he should find any such, to post guards at them. Upon his return he reported that he had executed my order, and had found no house of such description. At the same time that I sent Major Barreto Leite, I dispatched a police force of two officers and twenty men to prevent the touching of any article, even belonging to the people of the country."

It is thus seen that the Brazilian authorities, occupying Asuncion and Luque, notwithstanding they had no knowledge of what existed in those cities, took every precaution for the protection of private property. Mr. Chapperon, who did not appear in time to watch over the property and interests of Italians, nor furnished, from the place of his residence, any information, holds, nevertheless, the Brazilians responsible for losses which, if they could have been prevented, certainly would have been, if he, the depositary, had fulfilled his duty.

The Brazilian army enters Asuncion and Luque, and, giving another proof of the constant regularity of its procedure, seeks, with zeal, to preserve the property existing there.

As, notwithstanding the precautions taken, it did not succeed in preventing the robbery of all that is alleged to have existed in the said cities, this is laid to its charge.

But it would be extraordinary if, precisely on account of these praiseworthy precautions, it should have to answer for crimes or abuses preceding or succeeding these precautions, which may, by possibility, have been perpetrated. From the argument adduced by the claimant, it is deduced that, if the Brazilian army, making no account of the disorganized condition in which it found the administration of those two cities, had left them in the same deplorable state, it would not be responsible for the alleged losses. Its responsibility, therefore, arises exactly from the fact of its having sought to save property which had been abandoned by its owners or depositaries.

It is known that the dictator, Lopez, in the war with the allied nations, adopted the system of reducing to complete abandonment every place, city, or settlement which he could no longer defend. The city of Asuncion, being abandoned in February, 1868, by order of the dictator, he issued the decree of the 1st December, of the same year, ordering the removal of all personal property, of every kind and description, which might still have been kept there. This determination, like all the orders of Marshal Lopez, would not fail to meet an immediate and complete execution, even on the part of Mr. Chapperon and his countrymen. But, if this was not so as regards that consular agent, why did he abandon his own interests and those which had been confided to him, and fail to take any of those precautions required of him in his character of depositary?

Mr. Chapperon cannot free himself from the responsibility that attaches to every depositary by the simple allegation of *vis major*. It would be necessary to prove that, on his part, there was not the least want of care. But this has not been shown, nor can it be. Such is the doctrine sustained by juriconsults, and established in decisions by the French courts in the cases of Sourdiss et Boisy and Coudraye et Cousseau de Montrean. Dalloz, *Rép. de Lég.*, tom. 15, pages 459 and 460.

Mr. Chapperon does not say when he arrived at Asuncion and Luque, nor explain his absence from those cities, where he kept the deposits, but states that the alleged sacking took place on the 5th. Up to the 6th the house at Asuncion had sentinels posted at the door. How, then, could Mr. Chapperon certify himself that the house was sacked on the 5th, without the sentinels having any knowledge of his entrance there, or that of any other person?

On the 1st January the first Brazilian troops arrived at the capital, (sixth brigade.)

Nevertheless, the Italian consul, who had constituted himself the depositary of many private individuals, and who says that the property confided to him was deposited in his two houses at Asuncion and Luque, did not request of the Brazilian generals any precaution for the safe-keeping of the deposits, when naturally this should have been his first step. Who would presume that Mr. Chapperon, charged with the safe-keeping of property, not residing habitually at Asuncion, and knowing that this city was completely abandoned, would there make a deposit of such property?

It is proper still to note that notwithstanding the consul resided habitually in Luque, neither did he remain there from the moment the Paragnayan troops withdrew from it.

Mr. Chapperon selected for his residence a place where there were no interests of his nation to defend, where he did not keep the property which had been confided to him; and, notwithstanding that the place was but a short distance from the said cities, that consular agent, up to the 5th, the day on which he says the alleged sacking occurred, had not been at Asuncion to confer with the Brazilian generals.

Thus, while no account is made of the entire abandonment in which Mr. Chapperon had left the interests confided to him, officially and privately, it is expected, although no request was addressed to it, that the Brazilian army should have constituted itself the guardian of deposits, of which the existence was not even presumed.

It could not be conjectured that, known as the condition of Asuncion and Luque was to Mr. Chapperon, he having to keep property in safe-keeping, he should have preferred, for that purpose, those two cities. What indications could induce the Brazilian chiefs to suppose that in the houses abandoned by Mr. Chapperon there existed deposits of valuable property? How could it be presumed that he, who possessed these houses in different localities, should keep those deposits precisely in that one in which he did not intend to reside?

These considerations show, evidently, that Mr. Chapperon either did not attach great importance to the deposits, existing, as he says, in the two houses at Asuncion and Luque, or did not give due weight to the duties of depositary, up to the moment of throwing the blame of their disappearance upon the Brazilian army, which could not believe that deposits, of which no one gave it any notice, could be kept in abandoned cities. If the word of the Italian consul—the only evidence presented by him—has

value with his government, that of the Brazilian generals can have no less value with the imperial government; above all, considering that the said generals refer to dates and circumstances known, while the said consular agent presents simply the fact of the entry of the Brazilian troops.

The two cities referred to, having been abandoned by the Paraguayans, the Italian consul, who had, in both, important deposits, withdrew from them, and refused to confer with the Duke of Caxias, on the 4th, when he fell in with him at S. Lourenço, on his march to Asunción and Luque; thus renouncing the opportunity, which was presented to him, of requesting from that general measures for the protection of the interests which it was his duty to watch over. These are the terms in which the duke relates this incident:

"Upon arriving at the parish of S. Lourenço, where I encamped on the 4th, the commander of the advanced posts reported to me that at a few paces from our sentinels there was an isolated house, in a field, having a flag flying, which he did not know. I immediately ordered one of my aide-de-camp to go to the said house, and ascertain by whom it was inhabited; and that, if its occupant was a foreigner, he should invite him in my name to come and speak with me. The officer to whom I confided this commission returned in half an hour telling me that the flag was Italian, and that the consul of that nation was there, who said he had fled from Luque to that point, so as not to accompany the Paraguayan forces, which had withdrawn from that point, as soon as they heard of the defeat which Marshal Lopez had sustained at Lomas Valentinas, but that he would not leave that house where he was protected by his flag to come to speak with me. I immediately sent the officer back, and again ordered him that he should seek, by all friendly means, to persuade the consul that he ought to come and have an understanding with me, as he was within a military encampment and that I might suspect him if he did not. To nothing would Mr. Chapperon assent, and maintained his position, saying that only by force would he come to speak with me."

What circumstances obliged Mr. Chapperon, consul of a friendly nation, to accompany President Lopez even on the field of battle, and not to present himself, under the pretext of not having his uniform with him, to the Duke of Caxias, who was about to occupy the cities in which it is alleged the deposits existed?

This fact, in the absence of others, would reveal the breach of neutrality on the part of Mr. Chapperon, showing at the same time that his claim is without foundation.

"It was my intention," said the Duke of Caxias, in a letter of the 1st of July, 1869, "to inform myself from the consuls as to the condition of the city which the enemy had abandoned, in order to take precautions for the security of property which might exist there, belonging to private individuals, and especially to the subjects of their nations."

How, in view of the incontestable facts above stated, can Mr. Chapperon, who was not in the capital, fix the date of the alleged sacking of his houses at Asunción and Luque? Upon what basis does he sustain himself in attributing the sacking to the Brazilian army, in asserting that the act did not occur during the abandonment of those two cities by the Paraguayans? As regards the sacking of the house at Luque, Colonel Vasco Alves Pereira states as follows:

"When I was performing this service, I was informed that there was a house which had been broken into in the rear, and that within it existed a shield with the arms of the consulate of His Majesty the King of Italy, and that in its yard there was a box which had been broken open. I immediately named Major José Lourenço, Vieira Souto, and two other officers, to go to the said house and ascertain what the box contained. He, complying with this order, found the contents of the note, which in the original I have the honor to transmit to your excellency, and that in the box there existed some articles of domestic use and some liquors, as well as an iron chest which had been broken open, and other articles, which, being numerous, are not stated. Withal I had a guard posted, that nothing might be taken away."

It appears that it is to this dispatch, published at page 91 of the report of this Department for 1869, that Baron Cavalchini refers when he asserts that, from the documents annexed to that report it was seen that the complaints presented at the conference of the 19th April were not devoid of foundation.

Baron Cavalchini is however mistaken; his assertion finds no foundation in that dispatch, nor in any other published in the report, as will be demonstrated.

Mr. Chapperon alleges that his house was robbed on the 5th January; that is, on the day of the entrance of the Brazilian forces.

But the said house had already been violated at that time, as was verified simultaneously with the arrival of the imperial army. This is what Colonel Vasco Alves asserts in the said dispatch.

In another dispatch of the 12th February, published at page 96 of the cited report, the same officer, replying to the accusations of Mr. Chapperon, states as follows:

"I guarantee you that the Italian consul is not able to prove what he has asserted, for when the forces under my command arrived at this point, (Luque,) the house referred to had already been broken open, not by the front, but in the rear, which was

inclosed by a brick wall. Externally it had no signs of having been broken into, as may still be seen to-day, nor had it any flag or shield of any nation."

After this formal and well-founded denial, Colonel Vasco Alves explains the accusations of Mr. Chapperon in this manner:

"Appearances induced me to believe that the Italian consul desires to impute to the Brazilian soldiers what was doubtless done by the Paraguayans themselves, near whose government he was accredited, but that in his spite against the Marquis of Caxias, as is seen from his dispatch addressed to the general-in-chief, he seeks a way of indisposing his nation toward the empire, by accusing her soldiers of crimes which they did not commit."

It is to be observed that Mr. Chapperon, only on the 6th of February, addressed the Brazilian general, reclaiming for acts which he alleges to have occurred on the 5th of January. That consular agent explains the delay, saying that he had not yet in his possession his uniform, and for this reason was unable to present himself to the Duke of Caxias. But Mr. Chapperon, who on the 6th February presented his reclamation, not verbally but in writing, could have employed at once the same means which he used a month later to denounce the acts of which he complained.

From what Mr. Chapperon says, it would appear that his uniform was neither at the capital, nor at Luque, nor at Campo Grande, (Saint Lourenco.) Where then could it be? Nor was it an essential condition, above all, when treating of so urgent a matter, that the consul should present himself in uniform, that the Brazilian general should have heard him and taken precautions in accordance with the circumstances of the case.

It suited Mr. Chapperon to proceed in the manner indicated, which, as appears from documents hereafter cited, made against him by the depositors, of only having thrown the blame of the disappearance of those deposits upon the Brazilian forces, when many of the said depositors, who were supposed to be dead, began to appear in Asuncion and to claim the property confided to his keeping.

From the dispatch of Mr. Chapperon it is seen that he, since February, 1868, had provisionally established the Italian consulate at the house in Luque. From the same dispatch it is also seen that in Asuncion there was another house where was also the consulate.

There were, therefore, two houses, one in the capital, and the other in Luque, appropriated to the Italian consulate. In neither of them, however, was Mr. Chapperon, before or after the entry of the Brazilian forces. And as he says it was only after the 11th that he could examine the state of his house at Luque, how does he assert the sacking took place on the 5th?

As respects his house in the capital, he affirmed, as has already been stated, that it also was sacked on the 5th.

Nevertheless, many days after the arrival of the Duke of Caxias at the capital, that is, much after the 5th, Mr. Chapperon's secretary, having called upon the general-in-chief, only complained of the sacking of the house at Luque.

Of the Italian consul, the Duke of Caxias, in a report of the 1st July, 1869, says:

"I only had notice, many days after I was in the capital, through a man who presented himself, and told me he was the secretary of the said consul, and that he came in his behalf to make a verbal complaint to me of the sacking of the consulate of his nation, in Luque, by the Brazilian troops. I answered this man that the complaint must be addressed to me in writing, that I might act upon it, seeing that up to that date the consul had not presented himself."

Mr. Chapperon has said, in his dispatch, that since February, 1868, he had established provisionally at Luque the Italian consulate; but he does not state the motive of his procedure. It is important to make this clear, that we may the better recognize the want of foundation for his accusations as regards the sacking in the capital. The Italian consulate was removed at that time to Luque in consequence of Marshal Lopez having ordered on the same occasion the abandonment of the capital and the establishment of the seat of government at the said city. This being so, would Mr. Chapperon have kept valuable property in Asuncion until January, 1869, considering, above all, that in December of the preceding year the dictator had determined that everything should be withdrawn thence? The consulate being in Luque, and Mr. Chapperon residing there, why leave in Asuncion important deposits?

All these circumstances, as well as the dates and facts cited by the Brazilian generals, render it evident that the declarations of Mr. Chapperon cannot be admitted as proofs in themselves of the complaints made against the Brazilian army.

To corroborate the argument adduced, a sketch will be made of the interrogatories, depositions, and reports of persons resident in Paraguay when the facts occurred to which Mr. Chapperon refers.

Many of the informants are Italians. Their testimony ought not to be suspected by the Italian government. The complaints of these Italian subjects against Mr. Chapperon, who never reclaimed or interceded with Marshal Lopez when they were the victims of the most iniquitous spoliations and of the most cruel persecutions, will be a

new motive why we should not accept the statements of that consular agent. By these same documents it is fully proven that the reclamation of Mr. Chapperon is tainted with partiality for the cause of President Lopez, in whose interest he served to the last moment, not always respecting the duties of neutrality.

The documents here mentioned are appended *in integrum*, and by authentic copies, to the present memorandum, and are accompanied by a schedule signed by the chief clerk of this department.

First document.—Clippings from the journal "Regeneracion," in which will be found published grave accusations made by Italian subjects against Mr. Chapperon.

From these publications it will be seen that the Italians do not agree with their consul in the imputations made by him to the Brazilian army. They accuse him, on the contrary, with having made away with their deposits.

Second document.—A letter from the Paraguayan citizen, Eduardo Aramburie, owner of the house in which Mr. Chapperon lived at Asuncion.

From this letter it appears that the Italian consul had promised to deliver sundry titles of property and various articles which the mother of Mr. Aramburie had confided to his keeping.

Third document.—Another letter from Mr. Aramburie, in which he states he had received the said titles. It is not natural that these titles should have been found if Mr. Chapperon's house had been sacked.

Fourth document.—Is a long exposition from the French subject, Dorothée Laserre, which relates the misfortunes endured by foreigners during the dictatorship of Marshal Lopez, without the slightest effort on the part of the consular agent to mitigate these sufferings.

Fifth document.—A deposition of the Italian subjects Catalina Buero de Achinelli, João Estrão Chiapella, José Ponzio, Domingos José Bertholi, and other foreigners.

All declare in severe terms that to Messrs. Chapperon and Cuverville must be attributed the making away of their deposits, and not to the Brazilian troops.

Sixth document.—Information given by Da. Francisca Lopez de Leite Pereira, and Da. Marianna Dolores Pereira, mother of the Paraguayan bishop, Manoel Antonio Polocios.

These ladies relate the torments through which they and many foreign subjects passed after the dictator determined upon the removal to the interior of the populations of places he could not defend.

The first informant relates the conduct of Mr. Chapperon toward her when her husband began to be persecuted. In this sad and painful conjuncture, as in others, even when the lives of Italians were in question, Mr. Chapperon showed himself to be the rabid partisan of the dictator.

Seventh document.—A report, by name, of the foreigners who were barbarously assassinated by order of Marshal Lopez. From this report it will be seen that the number of Italians executed amounts to 29.

Eighth document.—Depositions of 30 foreigners, among whom some Italian subjects. The depositions of the Italians, Dr. Jeronimo Becchi and Domingos Parodi, merit special attention, which relate the cruelties practiced by Lopez against their countrymen with the connivance of Mr. Chapperon.

Ninth document.—Deposition of the Italian Antonio Montero, which confirms all that his countrymen had stated in the aforementioned depositions.

Tenth document.—Deposition of Angelo Benitz, sergeant of marines, and employed in the commissariat of the dictator. He declares that at Angostura there was shipped on board the Italian gun-boat *Veloce* a sum of money destined for the agent of Lopez in France, Gregorio Benitez.

Eleventh document.—Deposition of other residents in Paraguay, which confirm the preceding statements.

Twelfth document.—A letter in which Da. Rosalia Domeq. Concepcion Decond claims deposits from the Italian consul, and a letter from the latter acknowledging the deposits and stating that his house was sacked in October, 1868, much before the entry of the Brazilian forces.

Thirteenth document.—Declarations of Madame Laserre, from which it is seen that the houses in Asuncion were forced by the Paraguayan authorities immediately after the abandonment of the said capital in February, 1868.

Fourteenth document.—Report made by the Duke of Caxias on the 1st July, 1869. This report is accompanied by two letters written by Luiz Caminos, minister of the dictator.

From these documents, and others mentioned in the schedule annexed, which, as has already been stated, is signed by the chief clerk of this department, and an abstract of which is not made, that this memorandum may not be too much extended, it is seen that Mr. Chapperon is accused by his countrymen of not having respected the neutrality which his government had imposed upon himself in the war with Paraguay; of having served as a docile instrument in the hands of President Lopez and Madame Lynch in the persecutions and spoliations of which they were the victims; of not having opposed the least resistance, being declared responsible for all the calamities which they suffered in Paraguay.

It is his compatriots who dispute the sacking by him attributed to the Brazilian troops.

Among the Italians interrogated were some who had deposited property at the consulate.

In one of the documents annexed to the note of Baron Cavalcini, of the 6th December, 1869, are read the names of 39 Italians, who, according to the statement of Mr. Chapperon, suffered losses by the Brazilian forces. The imperial government ordered an inquest in reference to the complaints set forth in that document. The result of this inquest confirms all that has been stated in this memorandum, as well as the replies of the commander-in-chief of the Brazilian forces and of the imperial government. Of the Italians referred to some have died and others were executed after having suffered unheard-of tortures. It is impossible to discover, notwithstanding the efforts made, the fate of many; but those who escaped the wrath of the dictator were interrogated by the Brazilian authorities, and their depositions are annexed to the present memorandum.

Document No. 22 shows the Italians deceased, those whose fate is unknown, and those who deposited.

To make evident the irregularity with which the statement under consideration was prepared when other proofs were wanting, the deposition of the Italian, Catalina Buro de Achinelli, would suffice. She states "that the withdrawal of the families from the city having been decreed, and she, the informant, finding herself much embarrassed in regard to the transportation of her property, as her mother, being very old, could not live much longer, she applied to the consul to take charge of a trunk for her; that she, the informant, not being able, however, to go beyond Luque, where she afterward met the said consul, she again received from him the said trunk intact, paying only as a fee for that deposit the sum of \$37 and six reales and a half, more or less, for which the consul did not hesitate to pass a receipt." Nevertheless this lady figures in the aforesaid statement as a claimant for 2,270 dollars for deposits made at the consulate 22d February, 1868.

Giacomo Colombino and José Ponzio, also mentioned as claimants, deny the allegations of Mr. Chapperon, who is designated by them as the author of all the misfortunes of their compatriots. The statements of these three Italian subjects form part of the document No. 5.

In another statement, also annexed to the said note of the 6th December, Mrs. Suzanna Aramburie is presented as a claimant.

From document No. 3 it will be seen that this lady does not impute to the Brazilian army the disappearance of the articles deposited by her at the Italian consulate. In fine, there is not one single evidence in support of the accusations of Mr. Chapperon: while the Brazilian government presents not only incontestable dates and facts, but also valid documents which destroy them.

From the information given by all the Italian subjects found at Asuncion, it is shown that Mr. Chapperon never gave the least protection to his countrymen; who, on the contrary being against him, gave accusations even as to his conduct with reference to the property which was confided to him.

Very different was the conduct of the Brazilian army. Being fortunate enough to rescue from the power of the dictator some Italians, it furnished them clothing, food, &c. Nevertheless, the blame of having sacked the property of Italian subjects is thrown upon the army which liberated so many unfortunates, and which, as is shown by documents Nos. 15 and 16, delivered to the provisional government of Paraguay property taken from the enemy on battle-fields and in fortresses. What more generous and more noble conduct could have practiced the army of the most civilized nation, under like circumstances?

On the occasions of the abandonment of Asuncion and Luque, the Italians residing in those cities suffered great outrages; and what defense had they? The statements of the Italian subjects, who escaped from the hands of the dictator, give a sad, very sad answer to this question.

It must not be forgotten that large sums, which might have been considered, under customary right, as prize to the victor, were scrupulously delivered to the provisional government; and that all claims for damages, alleged and proven, in consequence of the operations of the Brazilian army, were immediately paid by the respective chiefs, who always made it their pride not to give cause for acts of their subordinates, for any, the most insignificant, representation.

When the enemy by treachery invaded the Brazilian territory, he devastated everything, sacked everything, sacrificed everything, respecting neither children nor young girls, neither the old, the sick, nor the clergy.

The Brazilians, from the moment they trod the enemy's soil, protected all they encountered without respect to nationality. Of this noble proceeding, which cannot be contested, the empire is proud.

After the most bloody battles, the first care of the Brazilian generals was, to succor those who were dying from destitution, from cruelty and torture, the narrative of

which causes horror and surprise; the solicitude of the Brazilians in this humane endeavor being attested by Italian subjects and other foreigners.

The narrative of the misfortunes of the Italians resident in Paraguay, deprived of all protection until the arrival of the Brazilian army at the places of their sufferings, must necessarily interest the government of His Majesty the King of Italy.

The government of Brazil, full of confidence in the impartiality and rectitude of that of Italy, awaits the judgment of this, after the reading of the present memorandum and the examination of the documents annexed.

MANOEL FRANCISCO CORREIA.

RIO DE JANEIRO, May 11, 1871.

List of the documents referred to in the foregoing "memorandum."

- 1st. Copy of articles from the Regeneracion.
- 2d. A letter from the Paraguayan citizen, Eduardo Aramburu, dated April 1, 1869.
- 3d. Another letter from the same, dated January 30, 1870.
- 4th. Statement of Madam Dorothée Lasserre.
- 5th. Deposition of the Italian subjects, Catalina Boeroõode Achimeli, Joao Estevõa Chiapella, José Ponzio, &c.
- 6th. Statement of D. Francisco Lopez de Leite Pereira, and of D. Marianna Dolores Pereira.
- 7th. A list, by name, of the foreigners assassinated by order of Lopez.
- 8th. Deposition of thirty foreigners.
- 8th bis. Narrative.
- 9th. Ditto of the Italian, Antonio Montero.
- 10th. Ditto of Angelo Benites.
- 11th. Ditto of other residents in Paraguay.
- 12th. Letter of D. Rozalia Domeq Concepcion Decond.
- 13th. Declaration of Madam Lasserre.
- 14th. Information furnished by the Duke of Caxias, July 1, 1869.
- 15th. Inventory of the articles of gold and silver found in the churches of Caacupé and Perebebuy, and in the house of the mother of the Dictator Lopez, and also of those collected by the Brazilian forces in the Cordillera of Ascurza.
- 16th. Reply of the provisional government to the notes received from the special mission of Brazil which related to the delivery of the jewels of private individuals found in Perebebuy, and asked that there might be restored which belonged to the French subject (deceased) Pedro Anglade.
- 17th. Inquiry made with regard to Luiz Capuro and Antonio Dorignac.
- 18th. Statement of the Paraguayan generals Resquen and José Falcon.
- 19th. Statement of the Paraguayans Silvestre Aveiro, Manoel Palacios, and of the Argentine, Victor Silveiro.
- 20th. Ditto of the priest Jivel Maiz.
- 21st. Inventory of the objects found in the possession of Eliza Alicia Lynch, and of the documents corroborative of the generous manner in which she was treated by the Brazilian authorities.
- 22d. List of those claimants who have died, of those whose fate is unknown, and of those who have given their testimony.

In the absence of the general director,

ALEXANDER AFFONSO DE CARVALHO.

DEPARTMENT OF FOREIGN AFFAIRS, May 11, 1871.

No. 51.

Mr. Fish to Mr. Partridge.

No. 22.]

DEPARTMENT OF STATE,

Washington, November 10, 1871.

SIR: Your dispatch No. 16, of the 29th of September last, in relation to the passage of a "law of freedom" in Brazil, has been received.

You will inform the government of Brazil that the President has

received with much satisfaction the intelligence of the passage of the law adverted to.

Your course in regard to the matter is approved.

I am, &c.,

HAMILTON FISH.

No. 52.

Mr. Partridge to Mr. Fish.

No. 20.]

UNITED STATES LEGATION,

Rio de Janeiro, November 24, 1871. (Received December 20.)

SIR: During the late Franco-German war, several notable incidents occurred in this port, which demonstrated the disposition, and inability—sometimes, of Brazil to maintain her neutrality, and showed at the same time the indisposition of the French to respect it, as well as the claims put forth by the North German Union. The bringing into this port on the 14th September, 1870, by the French gun-boat *Hamelin*, of two North German merchantmen, (*Lucie* and *Concordia*,) their delay in this port, after warning to leave within twenty-four hours, their stay here having been prolonged for the purpose of unlading goods on board of them belonging to neutrals, their being left here as in a place of deposit, and in “charge of the French consul,” with only a single man on board of each, the prize crews having returned to the *Hamelin*, which then went to sea to procure from the French fleet assistance, so as to return here and take said vessels out to sea—all this in direct violation, not only (as the Brazilian government claimed) of their neutrality, but in contravention of the police regulations of the port, which were made known to the French legation and to the commander of the French vessel—will be found in the annex hereto, together with a statement of the correspondence relating to the matter.

Although these occurrences caused great sensation and display of feeling here in Rio, at the time, (in September and October, 1870,) I find no account of them, nor reference thereto in Mr. Blow's dispatches to the Department.

I have, therefore, made out the annexed narrative and statement from the report of the Brazilian minister of foreign affairs, presented in May, 1871. The original report has been sent by this packet along with my No. 19. This narrative is condensed from pp. 7 to 23 of the report, and from the correspondence in the same volume, appendix, pp. 26 to 183, to which I respectfully invite your attention.

Supposing that these documents (report and statement) might be useful to Mr. J. C. Bancroft Davis at Geneva, I have already sent to him (by the English packet hence on the 23d) duplicates of both; since they refer to, and profess to explain and illustrate the previous Brazilian circulars in regard to neutrality, which (reprinted in this report) I transmitted to you with my No. 11.

I shall be glad if these can be found of service.

I am, &c.,

JAMES R. PARTRIDGE.

[Annex to dispatch No. 20, from Brazil.]

A narrative of the facts and résués of the correspondence between the Brazilian government and the French and the North-German legations in Brazil, in relation to the alleged violation by the French of Brazilian neutrality and their abuse of right of asylum in Brazilian ports, during the late Franco-German war, by their bringing into Rio de Janeiro North-German merchant-vessels captured off the Brazilian coast, delaying the said prizes in that harbor beyond the twenty-four hours allowed, and attempting to leave them there in a neutral port as a place of deposit for prize, while the captor proceeded to sea to take other prizes. Taken from the "Relatorio" or Report of the Brazilian minister of foreign affairs of May, 1871.

On the 14th September, 1870, two German merchant-vessels, the *Lucie* and *Concordia*, were, by officers in charge, brought into the harbor of Rio, as having been captured by the French gun-boat *Hamelin*, as her prizes of war. The entry of such vessels under such circumstances, was permitted by the Brazilian circular of August 27, 1870, in which reference was made to those of August 1, 1861, and June 23, 1863, and a permission to remain twenty-four hours accorded.

The necessity of leaving at the expiration of that period was notified to the commanding officers of the prizes.

It appearing, however, that on board those German vessels were goods of neutrals, the imperial government admitted that, under the principles laid down by the congress of Paris, 1856, more time would have to be allowed in order to permit the unloading of such neutral's goods, and that as soon as this could be effected the vessels must leave.

The German legation at once claimed that Brazil was bound to restore those vessels to their owners, and to exclude the *Hamelin* from the ports of Brazil, because, first, the *Concordia* had been captured in Brazilian waters, in violation, by France, of Brazilian neutrality; second, because the *Hamelin* having left Rio on the 14th August, and returned on the 14th September, had not in the interval entered into any French, nor into any neutral port, but had evidently been lurking in the ports and under-lands of the coast of Brazil. And on the 17th September the same (German) minister claimed the release and restoration of the other vessel (*Lucie*) on the same grounds.

The French legation, on the other hand, declared that the prizes had been taken six miles and six hundred meters distant from the *Maricá* Islands and on the high seas, outside the territorial jurisdiction. And that the *Hamelin*, having left Rio for Montevideo, on the 14th August, had entered the last-named port on the 20th, and left there on the 2d September, and had returned to Rio on the 13th September.

The Brazilian minister of foreign affairs then addressed a letter of inquiry to the president of the province of Rio de Janeiro, requiring him to make inquiry and take proofs; who, "some time afterward," answered that nothing could be proven, notwithstanding every effort and search up and down the coast for persons who must have seen the fight or attack, in case it had taken place so near land as alleged, and that the *Hamelin* had not been in any Brazilian port, and had not been seen hovering on the coast.

The Brazilian government therefore concluded that there had been (then) no violation of Brazilian neutrality by the act of the *Hamelin*, and therefore could not comply with the demand for restoration, nor for the exclusion of the French capturing vessel from Brazilian ports, during the continuance of the war. This exclusion was afterward ordered, for other reasons, as stated below.

The German legation in Brazil then objected to the admission into Brazilian ports of German vessels taken as prize under the above circulars, as, of itself, a breach of neutrality, which, rightly understood and practiced, would equally exclude all vessels claimed as prize by either belligerent, and especially since the German government had given orders not to capture merchant vessels belonging to the enemy, by the order of 1st July, 1870.

The Brazilian government replied that this new rule, or order, was one which was not obligatory on any power who did not acknowledge its principle, and that no change of the rule of neutrality (which admitted prizes of both belligerents, with delay of twenty-four hours) could be accepted, unless admitted by the other belligerent, and agreed to by this government also; which, when it is laid down the rules for conduct to its officers and agents in its circulars, could not and did not know the new exception introduced or proposed by the German government. Besides, (as since appears,) the decree of 18th July, 1870, was afterward revoked by another, issued (at Versailles) by the same government in January, 1871.

The (Brazilian) circulars of 1861 and 1863, which were thus objected to by the (Prussian) North German government, were objected to also by the French, and for reasons quite as unsound. For (the French chargé stated) those circulars imposed restrictions on the freedom of action of the French naval forces. France maintained a large navy; the Germans, none.

This last had a large army; the French army was not so numerous. France thus diverted, to the enlargement and maintenance of her navy, large sums, which, in case no such armament existed, might have gone to the increase of her army. That government, therefore, which by its acts, under form of preserving its own neutrality, limited or restrained the efforts of the French naval force upon its enemy's commerce, in effect, assisted that enemy.

The Brazilian government answered that both France and Germany, by their reclamations, attempted to set up a new rule of neutrality, namely, that a neutral power should formulate the conditions of its neutrality according to the distribution and organization of the land and sea armaments of the respective belligerents. It is needless to point out that the attempt to enforce such a novel regulation, would at once involve the neutral in the great difficulty (among others) of requiring the condition of neutrality to change with the alternating vicissitudes of a war.

The Brazilian government, therefore, would maintain the attitude in which it had placed itself, which was justified by the principles maintained before the outbreak of the Franco-German war, and which had been sustained by the positions assumed by the French government, and by the decrees in French courts of prize.

The discharge of merchandise belonging to neutrals on board the *Lucie* was completed on the 24th September, 1870.

The chief of police was, therefore, directed to notify the officer in charge of that vessel, as well as the officer in charge of the *Concordia*, as soon as she had landed such goods from her cargo; and the fact of such order having been given was made known also to the French legation in Rio.

At the expiration of the time allowed and thus prolonged, and notwithstanding the declaration of the French chargé that the *Hamelin* (the captor) would conform to the notice, it was not complied with. The *Hamelin* had sailed from the port on the 23d September, having left on board the two captured vessels in the harbor an insufficient number of men to navigate them.

The German minister at once declared this condition to the Brazilian government, and protested against any attempt to increase the number of men while in this harbor.

The French chargé directed the French consul to order the departure of the *Lucie* and of the *Concordia* "as soon as certain repairs had been made which were indispensable to the prosecution of their voyage;" and asked a further prolongation of time therefor. The Brazilian government declined, stating that the delay of twenty-four hours, allowed by the rules of neutrality, and permitted by their instructions, could be prolonged only in case of "forced arrival," (by stress of weather,) and to discharge goods on board belonging to neutrals. In fact, when the *Hamelin* left, on the 23d of September, she had placed on board of each of her prizes one man, sent by the French consul, and taken from on board a French merchant-vessel in the harbor, the *Mineiro*. Any increase of armament, or addition to their crews, would not be allowed; (and besides, the *Hamelin* had already, by taking back on board the prize-masters and crews which she had placed on board these vessels at the moment of capture, really augmented her own crew by an addition, in this port, to the number on board of her when she entered.)

The French consul then (in a note to the chief of police) asked permission to place on board the prizes five men taken from other French vessels, who should assist only until they had passed the bar, and should return in the tug-boat which was to tow them out.

The French chargé then also discovered that the second condition (case mentioned and provided for) in the Brazilian circular of 1863 was not applicable to prizes, but only to vessels of war, and that since before the war a French merchant-vessel would be entitled to engage and receive on board such number of men as might be necessary to continue her voyage, to refuse it now to the *Lucie* and *Concordia*, (the captured vessels,) would be a violation of that admitted right, and asked a further delay in order to be able (to assure the safe departure) to get the vessels safely to sea.

The Brazilian government refused, and said that the prohibition upon new armament or increase of crew applied to such vessels as the *Lucie* and *Concordia*, and must so apply, since otherwise any vessel of war capturing many merchantmen, and weakening her own force, by the distribution among them, from her own company, of prize-master and crew, could come into a neutral port, there deposit her prizes in safety, without crews, receive back her own, and again go to sea to repeat such maneuvers. It then appeared that the French chargé was about to permit, if not to authorize, the act (declared by the French consul to the chief of police) to tow the prizes out to sea by a French gun-boat, which he had sent for and asked from the commander of the French naval forces on this station. Whereupon the Brazilian government notified the French legation that those vessels would not be permitted to leave this port even in tow of a French vessel of war, and this resolution was also made known to the German minister.

The French legation, on the 7th October, (mark, the prizes had entered on the 14th

of September, and the discharge of goods belonging to neutrals was accomplished by the 24th of September and 1st October,) protested against such order, and said: "If Brazil does not wish to receive into her ports vessels captured as prize of war, she should have so declared in her answer to my notification (of the declaration of war between France and North German Union) on the 14th August last, and should, at the time of their coming in, have objected to the admission of the *Lucie* and *Concordia*."

"Once received in this port, it would be too late to apply to them rules which were only made made known to me on the 16th September, (after their arrival,) and which could not be allowed to have a retroactive effect."

"Admiral Fisquet has just written me that he will send to Rio the dispatch-boat *Le Bruix*, to take away the prizes. I therefore beg your excellency will give orders to allow their departure, it being understood that on board the captured vessels there shall be placed no men enlisted or engaged in Rio de Janeiro."

The Brazilian government answered with a recapitulation of dates and a narration of occurrences in this matter, and stated that the Hamelin had come in with her prizes under the privileges accorded to belligerents by a neutral power, and was, therefore, to be held to strict compliance with the requirements and conditions of such permission; that the time for stay, limited to twenty-four hours, was known to the commander of the Hamelin before his arrival; that such stay was prolonged simply for the benefit of those neutrals whose goods were laden on the prizes; that the Hamelin had departed with persons on board taken from the prizes, (French, and of her own crew;) that the prizes had in fact remained long beyond the time allowed, and because the captors had not placed on board a crew sufficient to take charge of them; that the French commander had gone out, to communicate probably with the admiral, and to bring from the fleet aid to make valid the possession of the prizes, which aid it was proposed to put on board (though not recruited) within this harbor; that thus, in fact and effect, there had been either an abandonment of prize in this port, or else there was an attempt to make a neutral port a place of deposit for the safe-keeping of vessels captured, and before and in delay of their being adjudged good prize of war by a competent tribunal; that by all this a violation of the neutrality of Brazil had occurred, but that this government (Brazil) would proceed only after consultation of the council of state; that, under those circumstances, the departure of *Le Bruix* could not be allowed with those vessels. Orders were, on the 10th October, issued to the captain of the port to take precautionary measures "to prevent any accident," and this was notified to the French legation. On the 11th that legation answered that it persisted in considering the captured vessel good prize until it was otherwise declared by a competent court, (*conseil des prises*;) that "in order to take away any pretext (*sic*) from the Brazilian government undertaking to assume possession of the two vessels, he had asked the commandant of *Le Bruix* to place on board (in this harbor, of course) a crew sufficient for handling the vessels in the port; and, to prevent any accident, (by reason of swinging at anchor among other vessels,) that the Bruix would at once get ready to take those prizes to sea, and that if his (your) excellency wished to assume the grave responsibility of preventing such departure by force, his excellency had only to give order to the forts to fire upon the vessel. The Bruix will stop at the first gun. The French government will afterward decide how this act of hostility by the Brazilian government shall be answered."

The Brazilian government answered by informing the French legation that, on next day, 14th October, a guard would be placed on board the two vessels *Lucie* and *Concordia*, and an inventory taken, in presence of Brazilian agents, and of the French consul, if he chose to be present. The French dispatch-boat *Bruix* came into port on the 13th October, and the French consul was notified, by the chief of police, that no persons could be placed on board the prizes from the Bruix. Nevertheless a number of men from the Bruix were placed on board those two vessels, and preparations were made to depart with them. Against this the Viscount de São Vicente (Br.) protested as a new violation of neutrality, and of the police of the port.

The German minister (Mr. de St. Pierre) also protested to the Brazilian government against such action being permitted, and against the departure of the captured vessels.

The report of the minister of foreign relations then states that the final resolution taken by the Brazilian government was made known to both legations, as follows:

"The Imperial government, having duly considered the means of making available its rights, has preferred those which conform to its own regulations and the principles acknowledged in the law of nations, and with usages which prevail. It therefore declares to the chargé d'affaires—

"1. That the steamer Hamelin will not be admitted into any port of the empire hereafter during the war between France and Prussia, and orders will be sent to secure that end to the different ports and officers.

"2. That the Imperial government protests to, and will claim from, the French government the proper reparation for this violation of its rights of sovereignty, and in relation to asylum and neutrality, and for the consequences therefrom resulting.

"3. That, to this end, orders will be given, so that the prizes above mentioned can depart from this port, with the crews improperly placed on board them from the Bruix. They must depart within twenty-four hours, dated from the notice which will be sent to-day to the commander of the Bruix. It must also be noted that, since a German (sailing) merchantman left this port to-day at 2 o'clock, the Bruix cannot be allowed to depart until after the expiration of the seventy-two hours prescribed by the 5th (condition) case provided for in the circular of 23d June 1863.

"The French chargé protested against this exclusion of the Hamelin, because, in his judgment, that vessel had brought her prizes into Rio only out of consideration for and for the purpose of discharging the merchandise on board such prizes belonging to neutrals.

"The German minister protested anew against the permitted departure of the German vessels as prize of the French vessel of war, and said 'he would inform his government of the unsatisfactory result of his efforts to obtain from Brazil a decision in those respects more in accordance with the duties of a neutral state.'"

In connection with this, a question afterward arose as to the proper parties to whom should be paid the freight due by the (neutral) owners of goods landed here from those two German vessels.

The French chargé submitted this question to his government, which answered that the (French) consul should deliver the goods to such neutral owners who would sign a declaration obliging themselves to pay the amount of the freight to the French government, if it should, after an understanding with Brazil, think that it was due to the captor. The French chargé had complained that the North German consul had made a visit and search on board the two vessels, going in his uniform, and in a boat, having his flag hoisted, and at the moment when the crew in charge had retired, after discharging neutral goods, and while a guard (one man) only had remained on each vessel.

The Brazilian government objected to this proceeding by the North German consul, and the North German minister explained it in the following manner:

"The consul, (Mr. Haupt), for reasons of duty, having to visit the German vessel *Fetisch*, anchored in this port, and passing, on his way to that vessel, the *Lucie* and the *Concordia*, thought he could, in his way, ask the two French sailors, belonging to the *Mineiro*, and the Brazilian officer (employé) some questions in relation to those two vessels, *Lucie* and *Concordia*. He did not go on board as alleged."

Issue of passports *risé*d by the French consul in Rio, and stating in such *risé*d that the bearers were "engaged to enter the military service of France," forbidden by the Brazilian government, and leave to depart denied to such persons.

Eighteen passports *risé*d here on the 17th October, 1870, by the French consul, with the statement made thereon that said person to whom such passport was granted was "engaged to enter into the military service of France, and was to present himself to the proper authority," were brought to the office of the chief of police in Rio, to be allowed the corresponding permit of departure.

The chief of police refused to allow the *pase* to such passports; and his action was authorized by the Brazilian government, who directed him to inform the French consul that such recruitments or engagements to enlist, made here on neutral territory, whether expressed or not, were in violation of Brazilian laws and of Brazilian neutrality.

NOTE.—From the foregoing relation it will be seen that the two vessels, (German,) *Lucie* and *Concordia*, were captured by the French gunboat *Hamelin*, and brought into the port of Rio on the 14th September, 1870. Notice to depart was given, but delay was prolonged for the purpose of discharging goods of neutrals.

This unloading of goods of neutrals was finished by the *Lucie* on the 22d September, (eight days after arrival,) and by the *Concordia* on the 1st of October; that the capturing vessel (*Hamelin*) left Rio a day or two after bringing in those prizes, leaving on board only a few men taken from a French merchant-vessel in port, and receiving back her own crew and the officers placed in charge of those vessels when taken at sea; but leaving the vessels, as the French chargé said, under the guard and in custody of the French consul in this port; that the *Bruix* (dispatch-boat) was sent up to Rio by the French admiral on the request of the French chargé here, communicated by the *Hamelin*, to take away the vessels captured at sea, and brought in and left here by the *Hamelin*; that from the *Bruix*, notwithstanding the express prohibition by this government, made known to the French legation, and in violation, also, of the police regulation of the port, as well as of Brazilian territory, men were sent from the *Bruix* and placed on board these vessels, which, afterward, in spite of protests by the German legation, and of Brazilian rules and declarations, were allowed by the Brazilian to be carried, under convoy of the French vessel *Bruix*, out of this harbor, where they had been in deposit, under charge of the French consul, as prize, from the 14th September to the 23d October, 1870.

This yielding, on the part of the Brazilian government, can only be traced to the same cause which induced them to surrender French merchant-vessels captured by

Brazilian cruisers in the river Plate, in 1823, where Vice-Admiral Roussin appeared in this harbor (6th July) with twelve sail of the line, drawn up in array in front of this city, and exacted their surrender and indemnity to the owners.

The Brazilian minister (Marquis de Arocaty) wanted to require, as preliminary to any discussion or action, the withdrawal of the naval force.

This, however, was not withdrawn, but only "ceased its hostile attitude." Negotiations were concluded within cannon-shot of the French men-of-war, and Brazil yielded all points.

The restoration of those vessels was claimed on the ground that Brazil had given no notification of the blockade which those vessels were alleged to have violated, (which was true,) and an indemnity was allowed. The Emperor (D. Pedro I) then received the visit and compliments of the French commander, who had "ceased his hostile attitude," though remaining in port with twelve vessels of war until the treaties were concluded.

No. 53.

Mr. Partridge to Mr. Fish.

No. 24.]

UNITED STATES LEGATION,
(Petropolis,) Rio de Janeiro, December 20, 1871.
(Received January 23, 1872.)

SIR: I had hoped to be able, by this packet, to transmit to the Department certain statistical information which I have sought from the consulates and other sources, in relation to the movement of commerce and navigation between the United States and all ports in Brazil, under all flags, so as to show the condition of that commerce and movement in American as compared with foreign vessels. This I have already done in my No. 18, in respect to the commercial movement to and from this port with the United States.

I have not yet, however, received all the dates, nor reports from all consulates, upon which, after they shall be received, much labor would have to be expended before they would be reduced into precisely the shape I intend to give them, so as to place before you, at a glance, the condition of those interests and movements.

I hope to be able to do this by the next packet, and I think, from what I have already ascertained, that the tables will show a continued reduction of the consumption in Brazil of productions of the United States, or, at any rate, no increase therein, while we largely increase our consumption of Brazilian coffee and India rubber. Upon these two articles, chiefly destined to the United States, the government levies an export duty, on the former of 14 per cent., and on the latter of 22 per cent. *ad valorem*.

Their answer to any proposal for reduction of these extravagant exactions is, that not being able to impose any *direct* tax whatever on lands or property, incomes or produce, they can only subject the cultivated land of the country to what is, in effect, a tax, by this imposition on its produce at the place of export. And as coffee and rubber are always sold subject to the payment of that tax by the purchaser, (who exports them,) the exaction is not felt, though really paid by the producer.

It is safe to say that there is very little, in my opinion no, hope of inducing them to reduce the export duties on these articles, but it may possibly be somewhat different with the import dues charged on articles from the United States. Indeed, next month, there will be a partial reduction of certain extra duties imposed during the late war with Paraguay, and in consequence of the depreciation of their currency to meet the interest on their heavy debt.

In compliance with the observations in your No. 21, I will endeavor at suitable opportunities to learn at least what hope or probability there may be of inducing them to meet the liberality of their best customer. But, as I have already suggested, we must look to our own legislation, providing bounty or assistance, in some shape, to American shipping, and a continuance of at least the present duty on Brazilian coffee, for the restoration of equal share in the commercial movement between this country and our own.

I have, &c.,

JAMES R. PARTRIDGE.

No. 54.

Mr. Partridge to Mr. Fish.

No. 33.]

UNITED STATES LEGATION,
(*Petropolis,*) *Rio de Janeiro, January 22, 1872.* (Rec'd Feb. 23.)

SIR: In connection with the interest expressed by the President, in his last annual message, in the condition of the population in the Southern States, and the measures he recommends for their relief, I have thought it would not be unacceptable if I recurred to the condition of those (women and children) who came from those States to Brazil, after 1865, and still remain chiefly in the province of San Paulo, simply because they have lost everything and are without employment or the means of returning.

Our Government has very generously offered free passage home to such on board any United States vessel returning from this station; and all who *could* go in that way, have already gladly availed themselves of this liberality. But those who suffer most hardship here, are those who, personally, deserve it least. I refer to those families of *women and children*, who have lost here those relatives on whom they depended for support, who cannot be accommodated on board of a man-of-war, and who are without the means of paying passage home.

Your No. 16 informs me that there is no appropriation from which any sum for such relief could be drawn. In consequence of the very many letters addressed to me by those persons in Saint Paul's who have hopes that something can be done for their relief, I venture respectfully to submit to you whether the President would think it expedient to ask of Congress, or could afford from any fund at his disposal, a small sum, say three or four thousand dollars, which would secure relief and passage home, at half rates, to the most pitiable cases, at least, if not to all who cry for help.

I am aware that this is asking the Government to relieve persons, or rather their widows and children, from the consequences of their deliberate folly in leaving their own country in vain hope of finding a better one; and if men alone were concerned, I would be silent. But if the sad history and present condition of many of these women and children could be known to the President, I feel sure he would most willingly do, in their behalf, whatever, in his judgment, expediency and the proper policy would permit.

I have, &c.,

JAMES R. PARTRIDGE.

No. 55.

Mr. Partridge to Mr. Fish.

No. 34.]

UNITED STATES LEGATION,
 (Petropolis,) Rio de Janeiro, January 23, 1872.
 (Received February 23.)

SIR: The political condition here continues to be satisfactory to the government, and everything has settled into the quiet of summer.

The high prices obtained for their great staple far more than compensates for the small deficiency in the crop; and commercial affairs are buoyant. The journals have busied themselves with the reported hostile intentions of a German squadron, destined for the South American coasts, in consequence of a trifling collision, in August or September, between the police authorities and some German naval officers, who fell into a dispute at a restaurant. Their apprehensions have magnified this squadron into a naval expedition to support the demand which, it is also reported, the new German minister, (to arrive on the 31st instant,) Count Solms, is to make on this government, and to insist, after proper explanations, upon a treaty for navigation, extradition, &c., and a consular convention being made, which shall secure prevention or prompt remedy in future.

This has led to a great deal of talk in relation to the position taken by Brazil, in refusing hitherto to enter into any new treaties with any nations, and her having given due notice for termination of those whose term will soon expire.

There is no treaty at present between the United States and Brazil, except what may be said to remain of the treaty of 1828 (whose term expired several years ago) by certain of its articles, which remain in force only because the required notice of discontinuance (twelve months) has not been given.

This is frequently a source of very great inconvenience and injury to our citizens, and especially to the heirs and interests of such as may die in Brazil.

I have, &c.,

JAMES R. PARTRIDGE.

No. 56.

Mr. Partridge to Mr. Fish.

No. 38.]

UNITED STATES LEGATION,
 (Petropolis,) Rio de Janeiro, February 22, 1872.
 (Received March 21.)

SIR: The only act of the government of Brazil which has awakened any attention lately here, has been the treaty negotiated at Asuncion, with Paraguay, by the Baron de Cotegipe, sent from here for that purpose. The treaty has not been published, and is still under the consideration of the council of state. It has already been approved by the Paraguayan Congress. It is said that it provides for the recognition of the boundary always claimed by Brazil, (the river Apa,) and for the responsibility of Paraguay for (a certain portion of) the indebtedness of Brazil caused by the war. By the triple alliance, (against Paraguay,) it was

provided that the final treaty of peace should be negotiated conjointly by the alliance, (Brazil, Argentine Confederation, and Uruguay,) of one part, and Paraguay of the other; that no separate treaty should be made; and that no benefit should accrue to either one of the allies without the concurrence and equal participation of the others.

It appears that the Argentine minister, finding he could not secure his claim to the "Gran Chaco," the unsettled country west and south of the Paraguay River, (which both Paraguay and Bolivia have claimed,) abandoned the negotiation, and returned to Buenos Ayres. Upon exaggerated reports there of what the Brazilian treaty was, there was a great ferment, and many journals, believing that it provided for a cession of a part of Paraguay to Brazil, assumption of (a portion of) the war debt, stated at \$360,000,000, and a Brazilian armed occupation of Paraguay for ten years, were loud in their denunciations, and said war with Brazil was the only mode of answering such perfidy.

The news caused some excitement here, especially when it became known that the Argentines had actually taken possession of the "Gran Chaco," opposite the city of Asuncion, and were erecting forts for a military occupation.

We shall probably know the exact terms of the Brazilian treaty before long. In the mean time several journals here declare that Brazil, having paid the expense and borne the brunt of the war with Paraguay, has at last been overreached by the Argentines, who alone have gained an enormous territory by the result or the failure of the negotiations at Asuncion.

The secret motive on both sides seems to be the desire of each to overreach the other, to gain its own end, and also defeat the pretensions of the other.

Unquestionably it is the hope of many Brazilian statesmen to absorb Paraguay, so as to control the left bank of that river as far as Corrientes, and if they could succeed also to whatever claim Paraguay had to the territory of the "Gran Chaco," between the right bank opposite Asuncion and the Rio Vermelho on the southwest, it would enable them to control the whole upper navigation of the Paraguay.

The Argentines, on the other hand, hope that Paraguay will be forced to enter their confederation, and, by seizing the "Gran Chaco," they think they have taken the first step toward such annexation.

I am, &c.,

JAMES R. PARTRIDGE.

No. 57.

Mr. Partridge to Mr. Fish.

No. 44.]

UNITED STATES LEGATION,
(Petropolis,) Rio de Janeiro, March 21, 1872.
(Received April 22.)

SIR: The treaties with Paraguay, mentioned in my No. 38, negotiated by the Baron Cotegipe, who has just returned from Asuncion, have not yet been ratified by the princess regent. These treaties have been much discussed in the newspapers, and bitterly denounced by the opposition. This party (composed of extreme conservatives and all liberals) has just triumphed in an important senatorial election, in the province

of Rio de Janeiro, as well as for provincial deputies; so that it is probable the ministry will await the return and decision of the Emperor before proceeding to a ratification which might cost them still further defeat.

The liberal party (which has not at present a single representative among the deputies) retired from the last general election, (1867,) to await the division they thought inevitable among the conservatives on the emancipation question, and is now marshaling its forces for the general election in January next, for aid in which they look to the discussions and developments and still further divisions among the conservatives which must occur during the approaching session.

The Emperor and Empress are expected to reach Rio on the 30th of March, and great preparations are made to receive them, as well as at Bahia and Pernambuco, at which points the (British) royal mail-steamer touches on her way. The Brazilian people will heartily welcome their Majesties, not only because of their real attachment to and respect for them, but because also the national pride has been highly gratified by the reception which their personal qualities as well as their station have secured for them abroad.

Count Eberhard von Solms Sonnenwalde, the newly-appointed minister resident of the German Empire, (who was secretary at Paris for a long time, and chargé at the commencement of the Franco-German war,) was received here on the 13th of March. It is said he is instructed to procure the modification of certain Brazilian laws in relation to civil marriage, &c., and the fulfillment of certain government obligations toward German colonists in Brazil.

I regret to have to announce also the death here, (from the effects of the climate,) on the 4th of March, of Mr. Nicholas de Bodisco, first secretary of the Russian legation. He was amiable and very popular; quite young, (twenty-eight,) and was a native of Washington, (Georgetown,) where his father was Russian minister for many years.

The season has been one of protracted drought, heat, and sickness, and has been marked by the death of a large number of prominent Brazilians, such as the Viscount de Itaborahy, formerly president of the council, Commendador Lage, and others of note in the administration of the government.

I am, &c.,

JAMES R. PARTRIDGE.

No. 58.

Mr. Fish to Mr. Partridge.

No. 34.]

DEPARTMENT OF STATE,
Washington, March 22, 1872.

SIR: Your dispatch, No. 33, of the 22d of January last, relating to the return of destitute citizens of the United States in Brazil to this country has been received.

As you were informed in my dispatch No. 16, there is no appropriation from which a sum to defray the passage of these persons to the United States can properly be drawn.

A naval vessel is expected soon to return from Brazil, on which some of them can embark, under orders heretofore issued.

I am, &c.,

HAMILTON FISH.

No. 59.

Mr. Partridge to Mr. Fish.

No. 46.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, April 8, 1872. (Received May 21.)

SIR: I have just returned from Rio, where I went with my colleagues to be present at the reception of the Emperor and Empress on their return from their visit to Europe.

They came from Lisbon on the 13th of March, on the royal mail-packet Boyne, accompanied by their son-in-law, the Duke de Saxe, and two of his children, with a numerous suite, and landed on the morning of Easter Sunday, the 31st of March. The day was bright and beautiful; the city was crowded and gay with flags and streamers; the whole population poured forth in its holiday-dress to greet them, and the scene as their Majesties came ashore, escorted by hundreds of steamers, vessels, and boats of every size and description, the shouts of welcome, the music of the bands, the military display, the thunder of the salutes from all the forts and gaily-dressed men-of-war, echoed back from the mountains which surround this magnificent bay, offered sights and sounds not soon to be forgotten.

On the following day (Easter Monday) a grand Te Deum was chanted in the imperial chapel, at which all the state authorities and the diplomatic corps were present; and immediately afterward a formal reception was held at the city palace. The Emperor, who is tall, well-made, and a remarkably fine-looking man, and the Empress, who has been much improved in health, appeared in excellent spirits, and were evidently much moved and gratified at the cordiality of their welcome. The city was brilliantly illuminated for three nights, and it is not exaggeration to say that the display and effect of those long lines and arcades of light in the crowded streets, among the palms and flowers of the public gardens and promenades, along the whole front of the city, on the islands, in Nictheroy opposite, and reflected in the waters of the bay, were really magnificent.

On the evening of the 5th of April the Emperor received, at the palace of San Cristov  s, those members of its diplomatic corps who had arrived here after he had left for Europe in May last. These (in order of seniority) were Count Koskull, the Russian minister, myself, Count Solms, the German minister, Don Miguel Palacios, the Paraguayan special envoy, and Monsieur de Vorges, the French *charg   de affaires*.

The Emperor did not receive us separately, as has generally been the custom here heretofore, but a circle was formed as soon as His Majesty was announced; and he came in unattended, even by a chamberlain to present or announce the name of each, first to Count Koskull, whom he only knew to be the Russian minister after some moments' conversation.

As he next came to me, after saluting him, I said, (in French,) "I have the honor to offer to your Majesty my congratulations on your safe return and so cordial a welcome home;" and it was only by my reply to his question what news I could give him from my country, when I said, "Everything goes well there, generally at last, if not always quietly at first, and the only foreign question we have, that of the 'Alabama' claims, makes much less noise there than in England," that he knew me to be from the United States, when he appeared for a moment surprised, and said very affably, (in Spanish,) "Ah, this is Mr. Partridge! Why then have we been talking in French?" and after a few moments' conversation in Spanish, he asked me, in very good English, what news I could

give him of Professor Agassiz, whom he was sorry to have just missed here on his return. He then continued for some minutes in English, which he pronounced remarkably well, though sometimes hesitating for a moment to recall the proper word, saying some very affable words about our country, which, he said, he very much wished and yet hoped to visit, showing also an intimate knowledge of the works of American authors, and mentioning especially Mr. Bancroft, whom he had met in Berlin.

The Emperor impressed me in every way as completely entitled to the reputation and popularity he has, not only among his own people, but also where he has lately been, and, in short, with all who have ever approached or known him. To the advantages of a fine person, a dignified presence, and most affable address, without the least parade, (which he heartily dislikes,) he adds the solid things of admirable good sense, capacity, and knowledge. If this were not what every one says of him, I should not attempt to form or express any judgment of my own without further opportunity of knowing. He certainly appeared to me to be the best thing I have seen in Brazil.

We were afterward presented separately to the Empress, who received us with amiable civility.

I have, &c.,

JAMES R. PARTRIDGE.

No. 60.

Mr. Partridge to Mr. Fish.

[Extract.]

No. 47.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, April 10, 1872. (Received May 21.)

SIR: I have the honor to transmit, hereto annexed, the text of the four treaties between Brazil and Paraguay, signed at Asuncion between the 9th and 18th January last. These are, 1st, a treaty of peace; 2d, a treaty of boundary and limits; 3d, treaty for the extradition of fugitives from justice, &c., and, 4th, a treaty of friendship, commerce, navigation, and consular privileges.

The exchange of ratifications took place on the 26th March, and the treaties have, as yet, been published only in the newspapers, so that I am not able to send any other than a copy cut from those.

It was the negotiation of these treaties which, by reason of ignorance at Buenos Ayres of their real provisions partly, but chiefly because the Argentine negotiator was not so successful for their demands in relation to the "Gran Chaco," and withdrew from Asuncion, caused such excitement and threats of war by the newspapers in Buenos Ayres in February. The success of Brazil was denounced as having been secured in violation of the triple alliance against Paraguay, which they said was not dissolved, and that war would be the proper answer to the Brazilian perfidy.

On examination of these treaties, it does not appear that any undue advantage was taken by Brazil of Paraguay. The frontier line of the river Apa was always claimed by Brazil, and is now acknowledged. But the question of ownership and sovereignty over the vast territory

opposite Asuncion, between the left bank of Paraguay and the Vermelho, inhabited by roving Indians, known as the "Gran Chaco," was claimed by both Argentines and Paraguay, and a portion of it by Bolivia also. It was hoped and expected by the Argentines that the new treaties, to be made simultaneously between the late allies and Paraguay, would secure for themselves this territory at the same time that the line claimed by Brazil was recognized. This was refused, and the Argentines immediately established a garrison at, and now occupy, the Villa Occidental, on the Paraguay, in that territory; which act has caused the Paraguayan government to protest against it as an outrage, which at present they have not the power to resist.

By the present (Brazilian) treaty of peace, Paraguay recognizes the liability (article 3) for indemnity for expenses of the war to Brazil and for injuries to public property and to Brazilian private property and citizens; the amount thereof to be fixed by a special convention, to be agreed upon within two years. If this means, as it appears to signify, an undertaking to re-imburse to Brazil the whole of her expense for the war, (about \$375,000,000,) then it can only have been intended to secure by a sort of mortgage upon the territory and sovereignty of Paraguay, to be held *in terrorem* and with threats of foreclosure by annexation, the payment of a sum which is clearly impossible for Paraguay. That provision can only mean an intention hereafter to make such claim on such grounds, and with the hope of absorbing the territory of that republic, notwithstanding the engagement in the seventeenth article to respect and guarantee its independence for five years.

By the seventh, eighth, and ninth articles the navigation of the rivers Paraguay, Paraná, and Uruguay, (excluding their affluents, however,) is declared free to all nations.

The treaty of boundary and limits secures to Brazil the frontier line of the channel of the river Paraná, from the present Brazilian possessions, at the mouth of the Ignassá, to the Great Falls of the seven chutes in the Paraná; from thence by the highest ridge in the chain of Maracaju to its end; thence by a straight line, or as near thereto as may be, on the ridge or water-divide of the highest lands till it meet the Amambay Chain, (Serra;) thence by the ridge of said chain to the head source or principal fountain of the river Apa; and thence descending by the line of its channel to its mouth, on the east bank of the river Paraguay; all slopes (*vertentes*) and streams running north and east belong to Brazil, all running south and west to Paraguay.

The treaty for extradition of fugitives from justice, charged with certain crimes therein enumerated, contains the provisions usual in such cases; and only calls for the remark that Brazil, which has declined to make such treaties with several European nations, or has placed such obstacles in the way of their execution as to render them nugatory, has resolved, it would seem, that Paraguay shall not become a territory of refuge for its own subjects, who, there, might stir up revolt and revolution in her remote and immense province of Matto Grosso.

The treaty of commerce, navigation, &c., contains also the usual reciprocal privileges, and secures certain exemptions from dues, &c., to the Brazilian government mail-packets running from Montevideo to Cuiabá, in Matto Grosso, (article 19.)

This treaty, however, (article 35,) gives to the consuls of each party, within the territory of the other, the right and power to seal up, take possession of, administer, and distribute the assets of such citizens of the country represented by such consuls, &c., as may die intestate within

the territory of the other. These same privileges of consular administration, in such cases, have been heretofore granted to several European nations, such as Portugal, Italy, Spain, France, &c., but such treaties, or that portion of them granting such privileges, have been denounced by Brazil, and on their expiration the property of such citizens of those nations as may die intestate in Brazil will revert to the condition in which it was formerly placed. * * * *

I have, &c.,

JAMES R. PARTRIDGE.

No. 61.

Mr. Fish to Mr. Partridge.

No. 37.]

DEPARTMENT OF STATE,
Washington, April 20, 1872.

SIR: Your dispatch No. 38, of the 22d of February last, has been received.

The treaty between Brazil and Paraguay, to which it refers, is a subject of much interest. You say that it was still under consideration in the council of state. A copy would be acceptable whenever you can conveniently obtain one. Undoubtedly Brazil made great sacrifices to obtain her triumph over Lopez, and a conqueror has, in the abstract, a right to dictate his own terms. It is much to be regretted, however, that Brazil has thought proper, contrary to what is understood to have been her agreement with her allies, to conclude a separate peace with Paraguay. It is hoped that the terms which she has thought proper to exact will not be so onerous as to prevent the restoration of prosperity in that republic, or materially to diminish its territory.

You will informally give the Brazilian minister for foreign affairs to understand that we take a lively interest in the welfare of Paraguay, and of the other republics of South America, and presume that her powerful neighbor will respect the independence of these republics.

I am, &c.,

HAMILTON FISH.

No. 62.

Mr. Partridge to Mr. Fish.

No. 49.]

UNITED STATES LEGATION,
(Petropolis,) Rio de Janeiro, April 22, 1872. (Received May 21.)

SIR: On the 20th instant some changes took place in the Brazilian cabinet, probably induced by the result of the late elections in this province (of Rio) for the three candidates from whom the Emperor is to select a senator, in place of the Viscount Itaborahy, whose death I mentioned in a late despatch.

The Viscount de Rio Branco (formerly Senhor Paranhos) remains as president of the council, but in place of the Counselor Tobato, as minister of justice, Mr. Duarte de Azevedo has been named. Mr. Oliveira Junqueira (now president of the province of Pernambuco) takes the place

of Mr. Soyão Tobato in the war office, and the Baron de Itauna (senator) becomes minister of commerce and public works in place of Mr. Freire Pereira da Silva.

The newly-appointed ministers are still of the same (conservative) party; and it may be said, without error, that, in fact, the Viscount de Rio Branco is really the minister-general. The Counselor Correa remains at the foreign office. As there are no representatives in the house of deputies of the liberal party, this change is merely meant to strengthen that portion of the party in power, which, contrary to the wishes of the slaveholding party, passed the emancipation bill of September last.

It seems that there have been obstacles placed in the way, and delay in the execution of that law in many of the provinces, and as the more liberal portion of the conservatives, with Rio Branco at their head, is resolved upon its execution, the ministry issued circulars to the presidents of the provinces, providing for the registration and evidence of freedom to those children of slaves born since the passage of the bill.

Their continuance in power depends, in fact, upon their compliance with this law, for though the slaveholding interests in the southern and coffee-growing provinces bitterly oppose the ministry for this act, that interest well knows that the access of the liberal party to power would be the occasion of emancipation to the slaves now held, either immediately or after an intermediate and short stage of apprenticeship.

The news from the other parts of the empire shows continued quiet in politics; but it is known that the liberal party is already at work for the elections in January next.

We have had here and in the provinces immediately south, very heavy and incessant rain-storms of long continuance, which have done great injury to property, and especially to the railway from Santos to Saint Paulo, washing away the inclined planes from the ascent of the Serra, and the last rains particularly have done damage in Rio, flooding the streets and undermining the foundations of many houses so that they have fallen.

On invitation of the manager of the União e Industria (turnpike road, one of the finest works of its kind anywhere, I made an excursion (Rear-Admiral Lanman and other guests being of the company) to Juiz de Fora, in the province of Minas Geraes, spending one day in going (one hundred miles,) two days there and one in returning, and passing through a fine coffee-growing region. At Juiz de Fora is a flourishing German colony, and an agricultural college, which is not very flourishing. The coffee-trees were heavy with berries, and there appears to be no danger this year of any short crop, which will be gathered in May and June. The great Don Pedro Segundo Railway runs parallel to the Union road from Intre Rios, and will be finished to Juiz de Fora in two years. Beyond that point, at present, there are no roads, properly so called—only wide mule-paths, which wagons, hauled by six and seven yoke of oxen, travel with difficulty, and this into a region where mining and planting have been carried on for three hundred years.

I have, &c.,

JAMES R. PARTRIDGE.

No. 63.

Mr. Partridge to Mr. Fish.

No. 51.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, May 16, 1872. (Received June 19.)

SIR: I have the honor to inform you that on the 3d May the legislative chambers were opened.

The occasion being that of the Emperor's first appearance in public since his welcome home, was made one of great show and ceremony. There was a full attendance of the imperial family, of all the great bodies of state, the diplomatic corps, &c.

It was expected by some, since the Emperor had, during his voyage abroad, shown dislike to ceremony and mere formal etiquette, and had already, since his return, declared his intention to abolish the ceremony of giving his hand to be kissed* by the Brazilians presented at his court, that some of the cumbrous ceremonial and theatrical display heretofore used would be dispensed with, and that the Emperor might appear in his military dress as the "*Primeiro voluntario da patria*," (in the war with Paraguay.) He came, however, in even more than usual state, wearing a white satin dress, his cape of plumes, a long velvet mantle and crown, and bearing his scepter, even in his coach, and, with all forms observed, read the speech, a translation of which is annexed, marked No. 1.

It will be seen in this speech that no particular thing is recommended, and no forthcoming measure is announced. The ministry, in fact, are quite uncertain of their continuance in power, and seem to prefer that their intentions should be left in equal uncertainty. There are still absent quite a number of deputies, and until these arrive and their views can be learned nothing will be attempted.

The state of the Brazilian finances is announced as very satisfactory, and there will be made, in accordance with a previous law, a reduction in duties corresponding somewhat to the appreciation of the paper currency.

Emigration is attracting attention, and while the government sincerely desires the introduction of free laborers, to provide in time for the promised abolition of slavery, nothing is yet really done to remove those obstacles, or diminish those disabilities or native prejudices, which cause not only German but Italian and Spanish emigrants also to refuse to stop in Rio, but continue their voyage to the republics of the river Platte. There, notwithstanding greater political uncertainty, there is really a larger liberty of action, fewer obstructions to the acquiring of land by emigrants, as well as a climate whose necessities compel labor.

I have, &c.,

JAMES R. PARTRIDGE.

* This ceremony has since been abolished by public announcement.

[Inclosure No. 1 in No. 51.]

SPEECH OF THE EMPEROR.

[Translation.]

THE GENERAL ASSEMBLY.

On the 3d of May, at 1 p. m., the Emperor opened the session with the following speech:

August and most worthy representatives of the nation:

It is with the liveliest pleasure I have come to open the session of the general assembly.

In this anniversary, always a source of rejoicing for us all, the opportunity is now afforded to me of thanking you for the consent you gave to my absence from the empire during some months, called for by the health of my dear spouse.

Thanks to God I effected the voyage and have returned to our beloved country with the greatest felicity, after meeting, among all the peoples I visited, a benevolent and polite reception, of which I will preserve the most grateful remembrance.

I congratulate you on the tranquillity enjoyed by the empire under the regency of my beloved daughter, and on the important labors concluded by your last session. These facts have given the justest idea of the national character and of the solidity of the institutions which rule us.

Some of our settlements have suffered from the rigor and irregularities of the last season, but in general the sanitary state is satisfactory.

The good relations of the empire with the other powers continue; and the government endeavors to draw them still closer, being ever influenced by sentiments of justice and mutual consideration.

The negotiation by the allies in common, though greatly desired by us, not having been possible, we separately celebrated the definite agreements of peace with the republic of Paraguay.

In this negotiation, to which the preliminary agreement of the allies served as bases, the engagements entered into by the treaty of May, 1, 1865, were respected.

Those agreements have awakened suspicions and reclamations on the part of the Argentine government, but I expect that justice will shortly be done to the good faith of the Brazilian government, and that the bonds of friendship, so valuable to the two states, will continue unalterable.

In consequence of the legislative measures enacted last year, electoral reform and those of the national guard and recruitment recommend themselves preferentially to your solicitude.

Purity of elections is the essential basis of our form of government, and the more genuine the popular vote, the more are reflected in the bosom of the national representation those interests and opinions which, from their importance, should influence the direction of public affairs.

The law cannot prevent all the abuses with which passions disturb and vitiate the expression of the national will; but it is needful to profit by the lessons of experience, to prevent the effect of fraud and violence.

The national guard institution is perverted by the service to which it is now subjected under ordinary circumstances, and the heavy burden not only prejudices the citizen in his industrial labor, but even embarrasses the free exercise of his political right.

Recruiting, by the system now in force, lends itself to equal if not greater vexations, at the same time impeding the acquirement, by the army, of that degree of instruction and discipline which so greatly augments its moral force and gives it greater luster.

The public revenue has resumed its progressive movement, thanks to the fertility of our soil and to the aids you have furnished to commerce and national production.

The revenues of the last financial year exceeded the expenditure, and it is already recognized that the current financial year will also show a surplus.

We may, therefore, while still following the counsels of a well understood economy, attend with greater benefits to the education of the people, and also to agriculture and other branches of our industry, without neglecting to provide for the state of our circulating medium and for the various needs of the financial administration.

The acquisition of useful laborers, which has been a constant object of our cares, will now, since the reform enacted by the law of September 28th, daily require more efficacious provisions.

The government is watchful to dissipate the fears which that important reform might awaken, and I rejoice to declare to you that the agricultural slave-owners themselves have contributed to the better execution of the law.

Our means of communication are having notable development, but even this progress is too limited for the connection of the different points of so vast a territory, and

to utilize its immense richness. The unceasing prosecution of such an endeavor is a duty which the government does not forget, and one which it will fulfill in accordance with the funds you may grant for the service. These are expenditures which are largely compensated for by the increase of the revenue and by other social advantages of great importance.

August and most worthy representatives of the nation :

The moral and material advance which we have obtained in the short period of our political emancipation honors the Brazilian people when the difficulties with which we have struggled are sufficiently appreciated. Trusting in the protection of divine Providence, let us rely on our efforts to insure the most prosperous of futures to Brazil.

The session is open.

No. 64.

Mr. Partridge to Mr. Fish.



No. 54.]

UNITED STATES LEGATION,

(*Petropolis*), *Rio de Janeiro*, May 22, 1872. (Received June 19.)

SIR: I beg to acknowledge the receipt of your No. 37 in regard to the treaty lately made between Brazil and Paraguay.

By my No. 47, inclosing the only form of copy of those treaties hitherto to be had, you will have learned their provisions.

Here those treaties have been regarded by the opposition as a sort of surrender by Brazil; or, at any rate, as a failure to exact what they could rightly (in their opinion) have demanded. They were denounced in Buenos Ayres on a different ground; not because they contained provisions which might hereafter be made available for any absorption of Paraguayan territory, but because negotiated *separately*, and not in connection with the others of the allies; and especially because, by these treaties, Paraguay having acknowledged the frontier of the Apa with Brazil, had secured Brazilian support against the demands of the Argentines for the possession of the "Gran Chaco."

The provision which looks most like a cover for Brazilian pretensions hereafter is the acknowledgment of liability to Brazil for war indemnity. But from what has been said here since, it would seem that this is looked upon as a nominal because clearly impossible thing to be realized, and is meant, perhaps, as an impediment hereafter to the claims or intentions of the Argentines to absorb or annex Paraguay.

Brazil, even under a different form of government, would oppose such annexation by the Argentines, because it would give them the command of the navigation, by which the interior (Brazilian) province of Matto Grosso is reached; and in view of the fact that any attempt by Brazil at present to absorb Paraguay is recognized by themselves as hopeless, and as only leading to complications and difficulties with nations they would gladly conciliate, it may be said that for these reasons, as well as for others I have mentioned, there is really at present a desire to respect the independence and sovereignty of Paraguay, coupled with an intention to maintain Brazilian influence there, greater at least than Argentine, and a resolution to prevent, so far as they can, any absorption of Paraguay an territory by the Argentine republic.

I have already in conversing with the minister of foreign affairs made to him the intimation as directed in your dispatch.

I am, &c.,

JAMES R. PARTRIDGE.

No. 65.

Mr. Partridge to Mr. Fish.

No. 56.]

UNITED STATES LEGATION,
Rio de Janeiro, May 25, 1872. (Received June 19.)

SIR: On the 21st the present ministry (under Viscount Rio Branco) was defeated by a vote in the chamber of deputies, (50 against 49,) by which the chamber refused to consider the budget, until the ministry had first explained satisfactorily to the chamber the reasons for the changes made in the ministry on the 20th April. (See my No. 49.)

This result was not unlooked for, and, since the 16th, the public business has been in suspense, both sides awaiting the arrival of some deputies who were delayed, and on whose coming the above result was had. The vote against the ministry was secured by the desertion of several of the moderate (who support Rio Branco) to the extreme conservatives' side for personal reasons, as well as because of the dissatisfaction of the landed proprietors with the passage of the emancipation bill.

Next day an imperial decree dissolved the chambers, and called another legislature for the 1st December next. For this there will have to be a new election of deputies, and the liberal party (which has not a single representative among the present deputies) will undoubtedly strive hard to obtain a majority and possession of the government.

The present ministry remain in power, and in Brazil that means control the elections. Whether the Viscount Rio Branco will now divide the conservative party, and, at the head of the more liberal portion, invite the co-operation of the moderate liberals, or whether the liberal party, many of whom (perhaps a majority) are avowed republicans, will prefer to maintain their organization, at the expense of losing their more moderate supporters, are questions for the canvass. Rio Branco's effort most probably will be to found, and lead, a new intermediate party, composed of the middle and moderate men, leaving the extreme and slave-holding conservatives and extreme liberals (republican) to do what they can. If he can secure this union, his victory will be great and his power renewed and strengthened. Since the opposition to him in his own party rises from the liberality of many of his views, and chiefly because of his having carried the emancipation bill, and since the extreme liberal (or republican) party by itself has no chance at present of triumph, one cannot help feeling some interest in his success.

The country is quiet, and commercial activity has begun again in Rio, after hearing of the abolition of our duty on coffee. There is great ease in the money market, and new joint-stock companies, and undertakings of all sorts, are forming for almost every conceivable business, and enterprise, and municipal improvement. One or two of them, not finding room for their activity in Brazil, undertake improvements in Montevideo and Buenos Ayres. The shares of some of these have, by manipulation of speculators, risen enormously, and many persons begin to apprehend a financial difficulty.

By this packet Rear-Admiral Lanman and the officers late of the flagship Lancaster return home, and Rear Admiral Wm. Rogers Taylor takes command. I hope my relations with him will be as agreeable as those I have always maintained with his predecessor.

I have, &c.,

JAMES R. PARTRIDGE.

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No. 66.

Mr. Partridge to Mr. Fish.

No. 59.] UNITED STATES LEGATION,
 (Petropolis,) Rio de Janeiro, June 16, 1872. (Received July 12.)

SIR: A good deal of feeling has been caused here by the reception of a note addressed by the minister of foreign affairs of the Argentine Republic directly to the Brazilian minister of foreign affairs, (though there is still a Brazilian minister in Buenos Ayres,) in relation to the treaties lately made between Brazil and Paraguay.

Of this note, the expressions and style of which are very extraordinary, as yet only extracts have been published here; so that I am not able to send you more than the copy annexed (A) cut from the *Journal de Comercio*, and without (for want of time) a translation, which I will send with a full copy of the original, as soon as published. I also inclose some extracts from the journals here, showing their appreciation of this note. In my interview with Mr. Correia on the 13th he spoke of this communication in very decided terms, and said they were going to answer it.

It had seemed to me that the proper answer might be to return it, though, of course, I did not say so. It will appear to you, I think, on reading it, that the complaint of the Argentines is *not* that any undue advantage was taken by Brazil of Paraguay in securing an acknowledgment of an enormous, and, for Paraguay, clearly impossible indebtedness, for the expenses of the war, (three hundred and seventy five millions of dollars,) nor that great injustice was practiced in demanding the admission by Paraguay of the limits (River "Apa") always claimed by Brazil; but that Brazil, by securing these advantages, by separate treaties, without the concurrence of her allies, had left them to their own means of securing the advantages they hoped to exact for themselves. These exactions, as Brazilians call the demand for the cession, by Paraguay to the Argentines, of the Gran Chaco, their last hope to obtain by the pressure of a joint demand, backed by the effect of the Brazilian army of occupation, and to be made simultaneously with the terms required by Brazil.

With my No. 47 I sent the only copies I could then procure of these treaties between Brazil and Paraguay, the negotiation of which has given rise to this note, together with some account of them. I will send you by the next regular mail-packet (24th) a letter and correctly printed copy, in the appendix to the report of the ministry of foreign affairs, which has just been published and sent to me.

I will go down again to Rio to-morrow, and if I can receive there in time for this steamer the answer of the Brazilian government to this Argentine note, will also inclose it in this.

It is also announced that General B. Mitre (formerly President of the Argentine Confederation and commander of their forces in the Paraguayan war) has been appointed their minister to Brazil, and will shortly arrive. General Mitre is the editor, or at any rate the proprietor and director, of the journal *La Nacion*, in Buenos Ayres, which has, during the discussion of these treaties, published very violent articles against Brazil.

I met him when lately here, ostensibly on a visit for his health, and he was then well spoken of here; but there is already some talk of declining to receive him in this new character. He is the political opponent of Dr. Sarmiento, the present President, and his nomination has caused

great surprise. I am told, in Buenos Ayres, where some pretend to explain it by saying that the President has appointed a rival on purpose, either that they may refuse to receive him, or that, if received, he may push the question to a war, and thus incur the odium of having brought about a calamity which prudent management might have prevented.

I am, &c.,

JAMES R. PARTRIDGE.

No. 67.

Mr. Partridge to Mr. Fish.

No. 64.] UNITED STATES LEGATION,
(Petropolis,) Rio de Janeiro, June 24, 1872. (Received July 22.)

SIR: With the exception of the incident of the Argentine note, mentioned in my No. 59, nothing has occurred for the last month to vary the usual routine during the vacation of the chambers.

The members of the party in power (moderate conservatives) are busily engaged in preparing for the success which they hope to attain, through the influence of the ministry, in the August (18) elections. The deputies are not chosen by the direct vote of the people, but are named by electoral colleges, which may be said to be appointed, in fact, by the presidents of provinces, though nominally elected by the people. Of these last but a small number ever vote; and the ministry, as usual, has directed circulars to the presidents of provinces in which they complain of the action of the late chamber of deputies for their dissatisfaction with the administration, and call upon the presidents to secure, "by the free voice of the people," a return of other members, in a manner and style which strictly imitates the circulars in France, under the late empire, addressed by the ministry to the prefects of departments.

I have been informed by some members of the liberal party, many of whom are in reality republicans, (though they cannot now openly call themselves so,) that they have no hope of any success in the coming election and that the ministry will have everything their own way. It is doubtful, indeed, if in any place, even in Pernambuco, they make any serious effort to return their candidates. The chambers meet in December.

The coffee-crop will come forward after 1st July, and as this main reliance of the country is greater this year than the last, financial and commercial affairs are hopeful.

The Russian fleet, on board which the Grand Duke Alexis is serving, left this harbor for the Cape of Good Hope on the 9th June, after having given on board the Admiral a handsome entertainment to the court, to which the heads of legation were invited.

Rear-Admiral William Rogers Taylor has taken command of the South Atlantic fleet, and the flag-ship "Lancaster" is still in this harbor, the Ticonderoga having left on a cruise two or three days since.

I am, &c.,

JAMES R. PARTRIDGE.

No. 68.

● *Mr. Partridge to Mr. Fish.*

No. 66.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, July 6, 1872. (Received July 31.)

SIR: In my No. 20 I gave an account of the complaint by the Brazilian government of the violation of its neutrality during the Franco-German war, and contravention of port regulations here by the commander of the French gun-boat Hamelin in bringing in here and depositing certain (German) prizes.

The French government has now disapproved the act of the French commander of the Hamelin, and made this known to the Brazilian envoy, Baron de Itajubá, in Paris, in a note of 24th February, 1872, a copy (A, translation into Portuguese) of which is annexed, together with (B) the reply of the minister of foreign affairs here, to Baron de Itajubá.

As this makes part of the record transmitted with No. 20, and has relation to the Brazilian circulars of neutrality during our civil war also, I have thought it might be useful to the Department in that connection.

I have, &c.,

JAMES R. PARTRIDGE.

[Inclosure A in No. 66.]

JULY 6, 1872.

Translation of certain parts of the note of M. de Remusat, French minister of foreign affairs, to Baron de Itajubá, Brazilian minister in Paris, reproving the conduct of the commander of the French gun-boat Hamelin, (in respect to certain German prizes deposited in Rio de Janeiro, 1870.)

VERSAILLES, February 24, 1872.

The minister of marine and myself examined into this matter with all the attention required, and with the impartiality and good-will which our friendly relations with Brazil rendered easy.

This examination enabled us to recognize that, in fact, the chargé d'affaires of France, in Rio, who had also made it known to the commander, accepted the condition stipulated by the Brazilian cabinet, that the prizes should depart immediately after their discharge, (of neutral goods on board.) Although the commander of the Hamelin did not make any formal promise in this respect, it was enough that he had been informed of the wish made known by your government for him to consider himself obliged to conform to the rules prescribed. The French government has no hesitation, therefore, in reproving the act of that officer; but if we willingly recognize our mistake, we cannot do less than add to that confession the expression of our regret, the fitness of which you will not dispute, I hope, at the dispatch sent in respect to the later proceedings in regard to the Bruix, (gun-boat.) The threats of violence then made were in form as offensive to our navy as to our legation, and were so much the more unjustifiable, as the Bruix arrived precisely with the intention of taking away the prizes, and thus of complying with the regulations of the local authorities.

I think it fortunate, *du reste*, to find that moderate counsels prevailed at last, and that this disagreeable incident terminated without (further) difficulty.

[Inclosure B in No. 66.]

Answer of the Brazilian minister of foreign affairs to the note of the Brazilian minister in Paris, inclosing the foregoing note of M. de Remusat.

[Résumé of the statement in M. de Remusat's note. Translation of certain parts.]

RIO DE JANEIRO, April 16, 1872.

In respect to the incident which took place with the Bruix, instead of being an offense to the French legation and navy, which never was intended by the Brazilian

government, whose moderation is known to M. de Remusat, it was the necessary consequence of the proceeding which has been so worthily condemned by the government of the republic. In the state of abandonment in which the prizes were left in the port of Rio de Janeiro by the captor, they could not be taken away even in tow of a French vessel of war, without previous permission of the imperial government, which in so grave a matter could not come to any resolution without taking the advice of the legal councilors of the Crown, and so much the more from the fact that the government had also to give proper hearing to the observations of the North German legation.

It was not, therefore, without pain that the government of Brazil read the last stricture in the note of M. de Remusat, especially since his excellency found in this proceeding of our government a cause of offense which did not exist; and since, also, the French legation had ignored, in that emergency, the indisputable rights of this empire as a neutral power.

No. 69.

Mr. Partridge to Mr. Fish.

No. 69.]

UNITED STATES LEGATION,

Rio de Janeiro, July 18, 1872. (Received August 21.)

SIR: The relations between Brazil and the Argentine Republic have become far more amicable since the arrival of General Mitre, the new envoy. I have conversed with him on two occasions since his reception, and he tells me that he thinks there cannot be any difficulty in arranging all matters satisfactorily.

The ministry here have, in their foreign relations, nothing else to occupy them, and they are busy in endeavoring to secure the election, in August, of deputies, who will give them a majority in the chamber.

The failure of the additional subvention by our Government to the mail line from New York, which, if passed, was to give us semi-monthly mails, has been very much regretted here by all parties, as well as by the large commercial houses directly interested.

It is announced that efforts will be made here, as well as in New York, to induce the company to put on an additional steamer, beginning in October, (leaving about the 9th of that month and each following month,) in the hope that when the great advantage of such additional facilities shall be felt, Congress will not fail, at its next session, to induce the company to continue. The advantages are so obvious that I sincerely hope this assistance may be given.

I am, &c.,

JAMES R. PARTRIDGE.

No. 70.

Mr. Shannon to Mr. Fish.

No. 76.]

UNITED STATES LEGATION,

Rio de Janeiro, August 25, 1872. (Received September 21.)

SIR: Public interest in Brazil is now wholly absorbed by the election of members to the new chamber of deputies, to convene next December.

The voting for members of the different electoral colleges began on the 18th instant. It was generally supposed that the liberals everywhere would hold themselves aloof and take no part in the struggle.

Complete abstention, they argued, was the only proper course for them to pursue.

On the very eve of the election, however, their plan seems to have been changed, at least in the province of Rio de Janeiro, and through the morning journals liberal candidates were announced for the several districts of the capital.

Although the voting for electors began on the 18th, it was not concluded till the 22d, and in some districts not till the 23d instant. This was due as well to the unusual disturbances that occurred as to the inherent slowness of the process. According to the system in vogue here the names of the voters of the district are called over in turn, and each voter must wait till his name is reached before he can vote. The law also requires that there shall be at least three calls of the whole list before the polls are closed.

Generally the elections here in Rio de Janeiro pass off quietly, but during the past week they have been attended with considerable disorder and excitement. On the 18th there were signs of trouble, and near several of the parish churches (in which the voting is always carried on) detachments of infantry and cavalry were stationed. On that day the troops were employed only in a few cases; but during the following days they frequently marched into the churches and drove out the people at the point of the bayonet. Among those severely wounded by bayonet thrusts is Dr. Dias da Cruz, a prominent member of the liberal party, a professor of the medical school, and formerly a member of the house of deputies.

The liberals have unexpectedly triumphed in several districts, and it is now well understood that this has been accomplished by their union with the disaffected conservatives and the republicans.

The electoral colleges will assemble some time next month for the choice of deputies to the new chamber; and until then the journals will be filled with modest offers of service on the part of would-be deputies, accompanied by impressive and eloquent testimonials.

General Mitre, the Argentine envoy, is still here, though the progress of his negotiations remains a profound secret to the public.

M. Noel, the new French minister, arrived on the 15th instant. He has not yet been received at court.

Señor Gregorio Benitez, envoy extraordinary and minister plenipotentiary of the republic of Paraguay, sailed from this port on the 23d instant for Europe, where he goes on a special mission to France and England. During a conversation with him I learned that he expected to visit the United States as well. He hoped to be in Washington by next December.

I have, &c.,

RICHARD CUTTS SHANNON.

No. 71.

Mr. Shannon to Mr. Fish.

No. 79.]

UNITED STATES LEGATION,
Rio de Janeiro, September 24, 1872. (Received October 22.)

SIR: The primary elections for deputies, which took place on the 18th August, were followed by elections on the 7th instant for mem-

bers (*vereadores* and *juizes de paz*) to the new municipal governments, whose term of service will be four years running from January next.

These elections were held in the churches, attended by the military force to preserve order, and, in all respects, were conducted in the same manner as the primary elections for deputies, of which I gave some account in my No. 76.

The secondary elections for deputies took place on the 18th instant, and returns thus far received from the various electoral colleges show that the opponents of the present ministry (dissident conservatives and liberals) have had several important successes. Two of the three deputies chosen for the capital are opponents of the ministry, while all the deputies chosen for the province of Rio Grande do Sul, it is said, are liberals.

Independence day was celebrated on the 7th instant with unusual ceremony. After going in a body, as is the custom, to exchange congratulations with the Emperor, the diplomatic corps attended the unveiling of the statue of Jose Bonifacio de Andrada e Silva, which had been set up in the square of San Francisco de Paula. The imperial family, the court officials, and the ministry were present. The concourse of people was immense, and nothing was omitted to render the ceremony both splendid and impressive.

- Visconde de Itaúna, who has been at the head of the department of agriculture, commerce, and public works since May last, died, after a short illness, on the 26th ultimo. Senator Francisco de Rego Barros Barreto has been appointed to replace him.

There are various rumors afloat concerning the mission of General Mitre. It is said that after three months' effort he is unable to persuade this government to consent to the abrogation of the Cotegeipe treaties, which was the original object and purpose of his mission; though it is believed that if the Tejedor note should be withdrawn, something might be done in the way of securing some alteration of those treaties and so reconciling the two governments.

The Tuscarora, Lieutenant Belknap, United States Navy, commanding, bound for the Pacific, entered this port on the 3d, and sailed again on the 9th instant.

I have, &c.,

RICHARD CUTTS SHANNON.

No. 72.

Mr. Hale to Mr. Shannon.

No. 55.]

DEPARTMENT OF STATE,

Washington, September 25, 1872.

SIR: The Department is gratified to learn from the most recent intelligence that the prospect of an accommodation between Brazil and the Argentine Confederation was brightening, and, probably, that the differences between them would not result in an appeal to arms.

This is interesting to us both politically and commercially, for the issue of a war between those parties might be adverse to the republic, especially in view of its supposed inferior resources.

Such an issue would be peculiarly distasteful to the people of this country, though the government would make every effort to maintain an impartial neutrality.

Our important trade in that quarter could not fail to suffer more or less from any war between such belligerents, as our experience from the hostilities between them in 1827 admonishes us.

Under these circumstances, if you should suppose that your unofficial endeavors would tend to quicken or strengthen the pacific dispositions of those governments, you are authorized to employ them for that purpose.

You will, however, be governed by your best discretion in anything which you may say or do for that purpose.

I am, &c.,

CHARLES HALE.
Acting Secretary.

No. 73.

Mr. Fish to Mr. Shannon.

No. 56.]

DEPARTMENT OF STATE,

Washington, October 10, 1872.

SIR: You are already aware that the tribunal of arbitration, appointed agreeably to the provisions of the treaty of Washington of 8th May, 1871, concluded its deliberations and pronounced its final decision at Geneva on the 14th ultimo.

The tribunal was composed of five members, two appointed by the governments immediately interested in the question submitted for its consideration, and three named respectively by the Emperor of Brazil, the King of Italy, and the President of the Swiss Confederation. Dispatches, this day received at this Department, contain the record of the closing proceedings of the tribunal and of its award.

These dispatches bear witness to the industry and the high qualities with which the arbitrators pursued the investigation which was devolved upon them.

The President appreciates most highly the obligation of the United States in common with Great Britain to the friendly governments which have rendered assistance in the determination of the grave international questions that were at issue.

This obligation has been enhanced by the high character and elevated positions of the eminent gentlemen named as arbitrators by those governments.

The learning, the industry, the ability, and the impartiality which these gentlemen have displayed have made a profound impression upon the President, and have not only contributed in an essential degree to the satisfactory conclusion of the pending questions in which two governments were interested, but must have a powerful effect in commending the principle of arbitration to the attention of the civilized world as an effective method of adjusting many international disputes hereafter.

You are instructed to make known to the government of Brazil this expression of the appreciation by the President of the friendly act of His Majesty the Emperor of Brazil in naming one of the arbitrators, and of the high character and eminent services of the arbitrator thus named by him.

The President requests that His Majesty's minister of foreign affairs will kindly convey to Viscount Itajuba his thanks, and will communicate to him the opinion entertained by the President of his character and services as one of the arbitrators.

I am, &c.,

HAMILTON FISH.

CHILI.

No. 74.

Mr. Root to Mr. Fish.

No. 53.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, September 7, 1872. (Received October 9.)

SIR: In one of my last dispatches I alluded to the epidemic of small-pox which was raging with fearful results in Santiago, and suggested that perhaps at a later day I might give some account of the same, and inasmuch as the head of this legation has had more or less connection with the public endeavors to stay the progress of the pestilence, it may not be improper for me to give a partial history of his acts and their results. Having my family with me, of course I felt all the personal interests attaching to that circumstance, and as some months since the small-pox assumed an epidemic form and threatened to prove of a most malignant character, I felt deeply the need of the adoption of some active sanitary measures to stay the spread of disease, but desired to prevent unnecessary personal notoriety, for which purpose I wrote some articles suggesting sanitary changes which appeared in the daily papers accredited to other sources, but as the disease assumed more and more terrible proportions, I hesitated no longer, but offered my professional services publicly and privately. My letters to the intendent and other articles published from time to time, together with complimentary letters received from various sources, and a few only of the many similar notices taken from the newspapers, the copies of which I inclose, will give you a general idea of my connection with the epidemic, and the manner in which the same is viewed here, all of which I trust may not be deemed unworthy of the representative of my country.

The disease early assumed a very malignant form, seeming to pay but little heed to the usual preventives to the malady. As, for example, all the members of my family had been previously successfully vaccinated, and three times during my life had vaccination "taken" most thoroughly on my own person, the last time only a few months since, yet three of my children and myself were victims of the epidemic, though, thanks to early and active treatment, none of us were long or severely ill. At the present time there are only a few hundred in the hospital. Nearly 50 per cent. of the adults attacked have died, and the mortality among children has been much greater.

My previous professional life as a physician and surgeon in civil and military life had given me an opportunity of knowing something of what should be done in such a trying emergency as the one alluded to, and I felt perfectly free to give all with whom I came in contact the benefit of the same. As well from visiting hospitals, attending meetings of the society for the care of "*lazaretos*," &c., I have attended a vast number of the poorer classes who dislike to go to the "*lazaretos*," (small-pox hospitals,) and who were too poor to pay a physician. (It is unnecessary to state that all my services have been gratuitously given.) While confined to my room with the disease, I was daily visited by parties who described the symptoms of their friends sick with the prevailing epidemic, and whom I "doctored" by proxy, sending them advice and medicine from my room, and since my recovery, as well from visiting a large number as above alluded to, I have daily by proxy medicated

great numbers in remote parts of the city. Since commencing this dispatch, a young man just commencing the study of medicine has called to consult me touching a case I placed him in charge of this morning. This young man has for more than two months been similarly engaged. It is very gratifying for me to know that all whom I have treated, either directly or indirectly, have completely recovered or are out of danger. My system of treatment may be found in some of the articles which I inclose published in newspapers. They have been very generally copied by all the papers of the country, which, with the exception of the one from which said articles are cut, are printed in Spanish. Though full reports have not yet been made, it is fair to state that many thousands have died during the epidemic.

It is very creditable to the generosity and philanthropy of this people to be able to say that all classes of society lent a helping hand, and vied with one another in the Christian work of saving the sick and staying the scourge. The President of the Republic, and his Ministers, the Intendentes of the city, the Clergy, the Sisters of Charity, together with the physicians and students of medicine, gentlemen and ladies from all quarters, in person or with their money, assisted in the great work. The President and Intendentes in person often visited the *lazaretos*, thus setting a noble example to those in the lower walks of life.

At one time there were more than twelve hundred daily reported in the *lazaretos*, and probably, at the same time, an equal number were sick in private dwellings.

From my observation and experience in this epidemic, and in previous years, I trust I may be excused for saying I am thoroughly convinced of the importance of the suggestions found in my articles, copies of which are inclosed. In fact, I am perfectly satisfied that by carefully following the indications therein found, *every case of small-pox may be cured* when seen early in the disease, no matter how malignant its character may be. The grand idea never to be lost sight of being to destroy the poison of the disease both inside and outside of the body, and at the same time support the strength of the patient, and by following the rules referred to not only will all recover, but no pitting or other mark whatever of the disease will remain in any part of the body; and the patients thus treated will not be confined to their beds except for a very few days, and frequently, as I have had cases, never take their beds at all, except at night, suffering no pain or especial inconvenience after the system is once thoroughly under the influence of the remedies prescribed, only requiring care for some weeks not to take cold, or otherwise expose the system by overt acts of any kind, for in this, as in all other exanthematous diseases, there is danger of some one or more organs of the body becoming disabled through lack of care after convalescence is supposed to have given place to perfect health.

The copies inclosed are marked A, B, C, D, E, F, G, H, J, K, L, M, N, O.

I have, &c.,

J. P. ROOT.

[Inclosure A in No. 33.]

SATURDAY, June 22, 1872.

In our issue of the 15th instant we informed our readers that the Hon. J. P. Root, minister plenipotentiary of the United States, had generously offered to lend his professional services toward checking the ravages of the present terrible epidemic of small-pox in Santiago; and we have now the pleasure of presenting to our readers the

following highly interesting report, presented by that gentleman to the indefatigable Intendente of the capital, Don Benjamin Vicuna Mackenna :

"SANTIAGO, June 16, 1872.

"To the Intendente of Santiago, Don Benjamin Vicuna Mackenna :

"DEAR SIR: In accordance with the resolution passed yesterday at the Intendencia, I have this day visited the lazarettes of Santiago, accompanied by Captain Castro, who kindly presented me to the directors of the various establishments visited, and by the Rev. Mr. Ibañez, who examined with me each room occupied by the sick of the small-pox, as likewise all the departments annexed to the lazarettes. My desire to set forth some of the principal facts connected with my visit of to-day as briefly as possible will be my excuse for anything that may be hasty in this report, since I consider it to be of vital importance that some changes should be made immediately in reference to the condition of the lazarettes, which are at present crowded with the victims of the terrible scourge that now afflicts this city.

"The first place visited was the hospital of San Rafael, situated in Yungai, opened yesterday, which contained on my leaving it twenty-six sick persons, two having been received during my visit. The hospital is under the charge of a doctor, who visited it at 9 a. m., and who, it is expected, will visit it the same hour every day. There are four male nurses, two for the day and two for the night, and one female nurse, who has under her special charge a sick boy, her own son; there are, besides, a steward, two watchmen, and a cook. There are two wards containing sick, and it is believed that when they are full they will contain seventy beds. The wards at present occupied are well ventilated, and the air was comparatively pure. I should not omit to state that four medical practitioners, possessed with love toward humanity, and impelled by their holy calling, lend their services there night and day; it being worthy of observation that in this hospital only have we found professors of medicine. The hospital and its appurtenances presented a good appearance, and all there appeared to be entering on their work of charity with a spirit that awakens hope for the well-being of the sick under their care.

"Saviour's Hospital has one hundred and sixty-two sick; seven died during the last twenty-four hours, and twelve were admitted during that time. Four Sisters of Mercy assist there continually, and personally administer the medicines, besides attending to the general administration of the hospital. There are eleven nurses, seven for day and four for night service. There are seven wards occupied. A greater proportion of children die than adults. There are at present thirty children here. There is a cook who works under the immediate orders of a sister especially charged with the kitchen. There are no other nurses than the servants.

"The wards are swept once a day, and the floors washed only when and where any impurity falls upon them. The building is a large house with two floors, with passages which traverse it centerwise, and corridors to both floors. The position is good, there being no other buildings near; nor is there any reason why the sick should not enjoy a wholesome atmosphere; but the air of the rooms is in a terrible condition, sufficient of itself to produce the most serious results even in a perfectly healthy person, it being difficult to understand why the mortality, at present so appalling, is not even greater. The building, notwithstanding, can easily be converted into a lazarette of the first class, where, with the proper attention and suitable medical assistance, almost all the sick should recover. The rooms are all clean; each one, however, containing double the number of patients it ought to have. When it is ventilated as is thought proper, as was said, during the day a door or a window is opened from time to time, though this was done rarely during my visit, which took place about 12 o'clock on a beautiful day. At night the rooms are all closed, so that no fresh air can enter, the poisoned air within not being allowed to escape. The beds are all occupied, and thirty of them are without bedsteads. There was no doctor present or near. Up to the present time no disinfectant whatever has been employed. The bodies are buried every other night, being kept in the mean time in a ventilated house at a few yards distant from the principal building. The doctor in charge of the hospital was absent, but on a commission of the intendency.

"The hospital of San Francisco de Borja contains 470 sick, 150 of them being children, many yet suckling. Seven died during the last twenty-four hours; the day previously, 24. The number of sick received during the last day has reached 30. There are nine wards, each one of which is under the charge of a Sister and two female nurses. There are twelve washerwomen, ten night-nurses, besides two Sisters, four female cooks, with two Sisters who direct them, one mattress-maker and six seamstresses, and six men-servants for the work in general. The wards are cleaned thrice a day, and some disinfectants are employed. Ventilation is comparatively good, and the yards extensive, which supply pure and wholesome air. The bodies are buried every night. The terrible mortality of this hospital cannot apparently be attributed to want of attention on the part of the self-denying Sisters who, moved by charity, lend their

services to suffering humanity. The Lady Superior stated that there was yet a surplus of a hundred beds. There was no doctor present, though one or more daily visit the hospital.

"The hospital of La Maestranza contains 152 sick. Although we waited nearly half an hour, the only person who appeared in charge of the hospital was the porter, who, after taking a turn all round the establishment, said that he could not find any one that we could speak to; that the three sisters in whose charge the establishment is, must have gone out. In view of this, we suggested that he should show us the wards. Of these there are five, completely crowded, dark, ill-ventilated, and full of a terrible and extremely pestilential smell. We had to retire without having been able to obtain any satisfactory data, and under the impression that this sad establishment needs a prompt and complete renovation.

"To sum up, allow me to add that, in my opinion, there should be an immediate change in the treatment of the variolose; as likewise an early preparation of new buildings dedicated to the reception of those victims of the small-pox who apply to them in search of medical assistance.

"It is astonishing to see how little attention has been paid to the use of disinfectants for the purpose of destroying the deleterious emanations proceeding from the sick. Not a single case has been shown me in which all the body of the sick has been cleansed with any kind of bath, except when convalescence has so far been established that the patient is at the point of leaving the hospital. Thus the sick have been left to struggle against internal and external accumulations until, owing to good luck or a robust constitution, the sickness has been overcome, and the patient is allowed to withdraw from the putrid exhalations that have saturated his skin for days and weeks together. But I have neither time nor space to enter into details. An important fact, notwithstanding, I should not pass over, and that is, perhaps, with a single exception, that all the drains into which are thrown the vomits, the evacuations, and all kinds of contagious impurities, pass through, more or less, considerable portions of the city, producing thus an inevitable source of this malignant and mortiferous disease. This should at once be remedied, a thing not difficult to do. The same thing is taking place likewise, in all parts of the city, where there probably exist at present thousands of cases of variolose; and what is surprising is that the disease has not spread more rapidly among all classes of society. A scab of the small-pox thrown into a drain may readily be carried miles off and find a multitude of means to produce contagious effects in persons far from its starting-point.

"That these matters, as also others of greater importance, may be placed under the control of the authorities, is a strong argument in favor of suitable places being immediately prepared, in order that those persons may be transferred to them who are suffering in their houses.

"Have the goodness to excuse the frankness of some of my observations, a frankness which proceeds from a sentiment of charity toward my fellow-creatures.

"In concluding, allow me to suggest that the three great things that should be done are: 1st. To restrain immediately the development of the epidemic, visiting every house, and obliging every person not recently protected by vaccination to receive the cow-pox, employing force, if necessary. 2d. To cure the already immense number of sick, making use of all the science, wisdom, and philanthropy that are within reach. 3d. Cleanse perfectly streets, yards, drains, &c., to prevent the same or another disease in future. And as all these things require immediate attention, every good citizen should contribute with his best efforts, and thus co-operate with the indefatigable Intendente, who is giving an example worthy of being imitated, and to whom I have the pleasure of offering anew my humble efforts in all that which is connected with the sad crisis through which the beautiful city of Santiago is passing.

"May all extend a helping hand, adopting the golden rule of doing to the brother in humanity as they would be done by, and then purity, health, and happiness will return, and the beautiful light of the sun will disperse all the clouds which now obscure and sadden our sky.

"With sentiments of the highest consideration and esteem, I remain, your obedient servant,

"J. P. ROOT."

[Inclosure B in No. 53.]

SATURDAY, July 6, 1872.

We regret to say that the United States minister, the Hon. J. P. Root, is suffering from an attack of small-pox, contracted during his indefatigable efforts to combat that fell complaint while acting in his self-imposed capacity as a member of the board of health, in Santiago. We learn from a private source that the attack from which Mr. Root is suffering is of a mild form, and we are, therefore, glad to say there is no ground for alarm. The illness of the honorable gentleman has elicited the sympathy

of the entire population of the capital, as it will most assuredly do from all our readers, both far and wide, who are already acquainted with the eminent and disinterested services he has rendered to suffering humanity during the prevalence of the present epidemic in the capital.

[Inclosure C in No. 53.]

Small-pox is raging with unabated vigor in Santiago and the adjoining districts, but the energetic measures adopted by the Intendente, and in which he has been nobly seconded by his fellow-citizens and many foreigners, notably among the latter the United States minister, the Hon. J. P. Root, are beginning to tell favorably, for, although there is little or no diminution in the number of cases, there is a decrease in the rate of mortality.

[Inclosure D in No. 53.]

A FEW SUGGESTIONS FOR THE TREATMENT AND CURE OF SMALL-POX PATIENTS.

To the Intendente of Santiago, Don B. Vicuña Mackenna :

In an epidemic like the one now in progress in Santiago, fear is always a promoter of the spread of disease, and the almost direct cause of the death even of multitudes. Therefore, while the community in general should be stirred to the greatest extent as regards its duty in warding off the pestilence and caring for the afflicted, the victims thereof should, from the first, be made to have full confidence in their speedy and safe recovery; and their confidence must be inspired by all those coming in contact with them, not only by words, but by looks, actions, and surroundings; the object of treatment and care being, in the language of the great physician of Galilee, *to save life, and not destroy it.*

It has been said that some one in one of the hospitals of Santiago has been in the habit of telling those that are brought thither that they must at once prepare for another world, as they will never leave the hospital alive. Such a view of the situation, from such a source, is sufficient to make the life of the unfortunate sufferer very short in this world. The person alluded to, however, deserves a great deal of credit for honest efforts; and right here I will say that those parties who are devoting their energies and their lives to the curing of the sick—toiling night and day amid far from sweet and pleasant scenes—are offering prayers that amount to something, their faith showing itself by their works. Science, however, should step in and give direction to the truly Christian labors of love of these individuals, whose works of self-denying charity will surely find their reward, as no good deed, in wisdom performed, was yet even forgotten or ever can go unrewarded. But never frighten the sick; fear is a most depressing agent, and the hospital should be made an attractive place, where pleasant thoughts may be engendered, a pure air breathed; where smiles, and hope, and joy, and gladness may mingle in all that appears; everything which can help to enliven and strengthen the prostrated energies of the patient, and dissipate the sad thoughts and fearful forebodings incident to a weakened condition of body and mind, should be cultivated in the hospital. The aim should always be to make everything connected with the place devoted to the curing of the sick perfect in all their parts. Not an impure spot should be allowed anywhere from which an unwholesome emanation can arise. Not a tainted breath should be permitted a second time to enter the lungs of the sick, but the currents of air should be so arranged that each breath loaded with disease may be taken at once beyond the contact of any one into the outer air, and fresh air supplied in its place. It is surprising what a vast amount of disease is thrown from the lungs of an invalid in the act of breathing, and how soon a room ill-ventilated is poisoned thereby; therefore the importance of continued and active efforts in this direction. The air of the sick-room must be kept constantly perfectly sweet and pure, so that not even the slightest unpleasant odor can be noticed. In order that this may be the case, an easy ingress for fresh air, and an equally easy egress for foul and tainted air, must be had, and all so arranged that unpleasant currents may not strike directly upon the patient. A quite strong current of good air, however, is infinitely safer to be in than to be obliged to breathe over and over again an atmosphere poisoned by the diseased exhalations from lungs, body, bed, &c., as is too often the case; and this condition of pure air must continue during the night as well as day. To ventilate properly, the air must enter near the floor of the room and go out at the upper part; and where rooms are not thus provided, the fault should immediately be remedied, a task not difficult; but, whether difficult or not, *it must be done at once*, care being taken that the air entering from the lower parts through the walls of the room comes from a

pure source, the great fact being kept in view that the patient must at all hazards breathe nothing but a continually pure atmosphere. The walls and ceilings of rooms should always be white, a thing easily done by whitewashing. The temperature also of the room is of great importance, and can only be regulated by artificial means. At this season of the year fires are very necessary, so that, without closing the room, and thus preventing a free circulation of fresh air, the atmosphere of the apartment may be kept constantly at an even temperature, the heat being regulated by a thermometer in each room. Heat from an open fire-place, with a good chimney, is preferable, but a stove is the next best thing where the heat cannot be obtained from pipes or ranges, heated by steam or hot air. Heat materially assists in the ventilation of the room, the heated air rising and passing out at the upper part, carrying with it the impurities in the atmosphere. The brasero is a very unsafe and even dangerous source of heat.

It is often the case when the vital powers are exhausted in some of the later stages of disease that the patient dies from lack of heat; an hour's cold, in a large hospital, caused by the sudden change of the temperature of the air, no provision having been made against its effect, may cause the death of a large number who otherwise might have recovered.

It is important that a hospital should be located, if possible, apart from the thickly settled portions of the city. The location of the "Hospital del Salvador" is fortunate in this particular, and the building now occupied might be made very serviceable by being arranged in accordance with the above suggestions.

It is of great importance that disinfectants are constantly used in and around all hospitals, not only the yards, the houses, the rooms, the floor, the beds, but the patient must be constantly cleansed from all poisonous and infectious emanations. The object should be to destroy the poison both in the body and out of it; the first by proper remedies properly administered, and the second by a variety of appliances and precautions. Fire, the surest destroyer of contagious matter, should be used for all articles not possible to be cleansed by other means. Nothing should be swept or thrown into any corner, or allowed to remain in waste-heaps; but all filthy rags, sweepings of rooms, &c., should be instantly burned. Never bury any article or throw it into an acequia. All vomits, evacuations, washings, &c., not subject to be burned, should be thrown into a deep hole in the ground, in which quicklime, strong solution of sulphate of iron, carbolic or other acids, or other appropriate articles, are constantly kept, sufficient in amount and strength to destroy at once all contagious influences; and the hole, when partially full, thoroughly covered, and a new one opened; but never should anything unhealthy be thrown into an acequia, even though it runs directly into the country, the constant effort being to annihilate both the disease and its possible future effects.

The sick-room should be the object of constant and unremitting care and attention; it is not enough to purify once each day; every moment the condition of the atmosphere must be watched, and wherever and whenever an unpleasant or foul and unwholesome odor or influence is observed, at once it must be eradicated. Every part of the room should be constantly so sweet and pure that the most fastidious could detect nothing disagreeable. In the severest cases the sheets and the shirts of the patient should be changed every day and the whole clothing of the bed often aired and purified, that the diseased accumulations may be removed as speedily as possible; every article being thoroughly disinfected, either by fumigations, washings, or otherwise, before being used the second time, and all being thoroughly fresh, sweet, and dry before coming in contact with the patient. The floor, walls, ceilings, bedsteads, and furniture of the room need constant cleansing and purifying, so that the air, when coming in contact with them, cannot be vitiated thereby. Some of the best disinfectants for the purpose are carbolic acid, chloride and other preparations of lime, together with many other articles commonly used for this purpose.

As regards the medical treatment of the small-pox patients, no special rules can be given which will meet the wants of every case, therefore it becomes necessary that a scientific physician examine carefully each patient very often, that each change may be noted, and the treatment modified to meet the sometimes rapidly changing phases of the disease, as a few hours lack of proper attention may decide the fate of the invalid.

The first thing to be done with patients when attacked with small-pox is to revaccinate them properly with virus known to be good, no matter whether they have ever been vaccinated previously or how recently. The philosophy for this treatment I have not time to give, but of the beneficial results I have no doubt, and it should be done at any time previous to the suppuration of the small-pox pustules; after this stage its efficacy is perhaps questionable, though even then it can do no harm.

There is not a single stage of the disease when the bathing in some form of the entire body every day, and sometimes oftener, is not absolutely necessary. This operation, however, must be performed with the utmost care, and not left to the charge of ignorant or careless nurses, else dangerous results may follow. The skin is one of the great emunctories of the system, and the amount of waste and diseased matters thrown upon the surface of the body is truly wonderful. Nature exerts itself to the

utmost to get rid of the poisonous matters that circulate in the body in various ways, but constantly by means of the lungs and the skin. I have already shown how the impurities thrown from the lungs by the act of inspirations may be disposed of in a harmless manner, through the means of perfect ventilation. It becomes as necessary also to dispose of the emanations from the skin, which, by being allowed to accumulate around the body, not only prevent the free exit from the surface of the body of other vile and diseased matters, thus by force preventing the escape from the system and obliging the poisons to continue in the circulation, with all their fatal tendencies and actual effects upon the vital forces of nature, but contaminating the clothing, air, and everything coming in proximity with the person, as well as poisoning the atmosphere further, thus forming a sort of endless chain of poisonous influences, which, entering through the lungs into the circulation, and thence after a time finding their way to the surface, again contaminate the air destined once more for the lungs, and so on: this must be avoided. The time and mode of bathing must be directed by the physician in charge, and whether it shall be cold, tepid, or hot water, or whether ice in various ways may be used, must depend entirely on circumstances; whether the bathing shall be with strong or weak acids, of an alkaline character, or of water alone, must also be subject to the decision of the time, but some one of these it is necessary to use every day, that the emanations from the skin may be thoroughly cleansed therefrom. Sometimes a mixture of chalk and water, or chalk, charcoal, and water, may be used on the entire surface of the body with decidedly beneficial results; also an ointment of chalk, charcoal, and sweet-oil, in certain stages may be of benefit, having a decidedly disinfecting and healing effect upon the suppurating surface.

It is impossible to specify what remedies shall be absolutely given, as each case must be treated upon its own merits, and whoever prescribes a wholesale treatment, applying the same to each and every case, will see his patients die on his hands. There is no specific for small-pox; that which comes nearest to this is perfect purity and cleanliness of everything connected with the patient. The medicines most of service are those of a supporting and cleansing, or antiseptic and stimulant character; all debilitating remedies are worse than useless. Severe purging is very dangerous. Enemas of various kinds are frequently indicated, and in a multitude of ways may be advantageously used. This is often a popular method of introducing antiseptics into the system, as well as by the mouth.

The internal administration of antiseptics and disinfectants, such as "crystallized phenic acid," is of vast importance; also chloride of potash dissolved in water; chloride of sodium (common salt) dissolved in water, with an addition of acetic acid, (common vinegar answering,) or citric acid, (the juice of the lemon serving a good purpose.)

The carbolic acid as an antiseptic, deodorizer, and disinfectant should be largely used in various ways in and around the hospital. An excellent method of purifying a room filled with unpleasant and infectious emanations is, with an atomizer (an instrument which, by a rapid current of air, separates fluids into minute parts) to throw the vapor of a mixture of carbolic acid and water and a very little alcohol (the alcohol assisting in dissolving the carbolic acid) into all parts of the room, beneath the bed, and in all corners and places where there is any impurity whatever; this should be done several times each day. Whenever the floors, walls, vessels, or furniture of the sick-room are washed, carbolic acid should be put into the water; its daily use in strong or weak solutions for bathing all parts of the body is highly beneficial.

When there are hemorrhagic tendencies, the oil of turpentine may be given with good results. Quinine and other articles of its class are indicated when the strength seems failing from exhaustion, and it is always better to be too early than too late in their administration.

Acidulated drinks of various kinds are usually very grateful to the patient; sometimes, however, those of an alkaline character are indicated; weak lime-water with water of roses, or even a chalk mixture, or, as before observed, a solution of the chlorate of potash, are often remedies of very great service, and are more frequently indicated than acids.

Suppurated surfaces artificially made upon the chest or other portions of the body have often prevented an excess of pustular pitting upon the face. When this operation is performed upon the chest, its tendency is also to prevent lung complications. An ointment made of sweet oil, charcoal, and wax, and placed upon the face and neck, is a favorite remedy with some, to prevent pitting in those places.

As much sunlight should be obtained in the room as the eyes of the patients can tolerate, and if some of them are too sensitive, owing to the location of their beds or other cause, it is better to use shades for them than to exclude all the light from the room, as the rays of the sun are great promoters of health. The statement that pustular inflammation is seriously aggravated by the light is not well supported, but if there is danger of this, it is better to cover the exposed surfaces with the ointment above alluded to, or to cover the same with oiled silk, making holes for the eyes, nose, and mouth, rather than lose the health-giving effects of God's pure sunlight.

Great care should be taken that not too many patients are crowded into each room, as in this condition it is impossible to obtain a sufficient amount of fresh air for the use of all; aside from this, it is important that patients should not be inconvenienced and disturbed by the condition of their neighbors, as the mind has much to do with the restoration of health; and when it is impossible to prevent the death of a patient, the *venæ* necessarily connected therewith should be excluded as much as possible from the other inmates of the room.

All persons attacked with small-pox should at once be placed under the care of an *intelligent and attentive physician*.

Sometimes wines and other similar stimulants may be used with good effects, but their indiscriminate administration cannot be too strongly deprecated. Diffusible stimuli, like the carbonate of ammonia, are often of great service. No preparation of mercury should be given. A multitude of medicinal and remedial agents might be named, and their use commented upon, but the fact that from time immemorial educated physicians have never agreed upon the exact remedies suitable for the treatment of this disease is a strong argument against placing too much reliance upon the beneficial action of any one article of medicine; but experience has satisfactorily demonstrated the efficacy of what may be called the hygienic treatment, and that when certain great sanitary principles are carried out, such as are intended in this article, a very small percentage of small-pox patients will die; but when there is a failure in this direction, no matter what the medical treatment may be, a very large percentage must die.

The general rule, therefore, is to support the patient from first to last, obliging perfect purity and cleanliness to be observed on all sides, being careful not to push medical aid so as to interfere with nature's operations, but only to follow her indications, and assist instead of hindering her efforts to drive out the foreign enemy that has taken forcible possession of her territory; thus nearly all those taken with the small-pox will recover. Those only need have any fears whose constitutions have been broken down by severe dissipations of any kind.

As regards diet, the patient should be *fully nourished*, but in the early stages the food should be free from oily substances, which will not be readily digested, and only tend to produce increased febrile excitement, and perhaps tend to prepare the way for intestinal complications. At this stage also the stomach loathes this class of food, an indication that it is not needed. But, during this period, the diet should be largely of boiled rice, or similar articles of food, with broth without a particle of grease. The patient should be strongly encouraged to use quite freely rice-gruel and a thick mulch of gum-arabic for drinks during the entire disease, being careful that they are always pure and fresh, and preserved for use in apartments not occupied by the sick, as fluids have the power of absorbing impurities from the atmosphere. All drinks may be cold or hot, to suit the taste of the patient. If the stomach is not crowded with articles too oily or difficult of digestion during the early stage of the disease, it will readily digest more supporting food a little later. Nourishment should be given with as great regularity as possible, though no arbitrary rules can be followed in this or any other plan of treatment; therefore, as has been previously observed, each patient must be the object of especial care on the part of the medical attendant, as well as of all his assistants.

The above presents a general view of the proper treatment of small-pox patients, the adoption of which will cure those already sick, and prevent the spread of the contagion from the persons of those being cured.

It will be very apparent from the foregoing somewhat hastily written suggestions, that the labor absolutely necessary to be performed in the cure and treatment of small-pox patients is far from being light; the number of assistants required should be in proportion to the service demanded. The number of nurses should be such that they should not be exhausted by overwork or watching, as it is all important that those coming in contact with the sick and feeble should not only be free from disease themselves, but be able to impart from their own pure, healthy, strong, and vigorous constitutions, life-giving influences. The weak, diseased, and those lacking life and energy, should never, if possible to avoid it, attempt the cure of the sick. A cadaverous face with tottering limbs and a trembling hand, cannot successfully combat disease and debility. The presence of the elastic step and smiling, joyous face, together with the touch of the steady hand of the strong and healthy, carry hope and actual life to the suffering invalid. There is a *nervo-magnetic fluid* circulating in all our bodies which is imparted to a greater or lesser extent to those with whom we come in contact, and its effects correspond in a great degree to the conditions of our own persons and lives.

He who saves his patients and they who labor under his guidance occupy no easy position; their tasks during such trying epidemics as the one now afflicting this country are arduous in the extreme, and strongly test their moral, mental, and physical capacities. All such parties should be freely and liberally sustained by the commu-

nity at large. It speaks well for Santiago that there are so many who are most philanthropically giving all their energies to this noble work.

Christ, the great physician, commanded his followers to "pray without ceasing." I believe that, whether they think it or even desire it, the labors of the faithful, self-denying physician, assistant, and nurse, passing quietly yet firmly through danger, disease and pestilence, are not excelled in their Christian character by the acts of any other human beings. If they do their duty, no matter what their mouths utter, their hearts, brains, and hands mutually unite in working out unceasing prayer most acceptable to God and humanity. I have written the above in plain language that it may be easily understood by all.

J. P. ROOT.

[Inclosure E.]

SATURDAY, July 20, 1872.

The Hon. J. P. Root, though scarcely convalescent from his recent attack of small-pox, has again taken his seat at the board, and a few days ago he visited all the hospitals in company with Dr. Aguirre, and we are happy to say that his inspection has been the means of introducing many beneficial reforms in the lazarettes.

[Inclosure F.—Translation.]

Mr. Mackenna to Mr. Root.—Letter from the central society of hospitals.

SANTIAGO, July 1, 1872.

SIR: The very interesting memorial upon the arrangement of hospitals and the treatment of those afflicted with small-pox, which your excellency has had the goodness to direct to us, has filled with satisfaction and gratitude the society of citizens charged with combating the epidemic which to-day is making its terrible effects felt in this capital.

The wealth of information and vast experience which its author places in it to the service of humanity, as well as the practical and scientific application of knowledge which he applies to the present case and circumstances, fill us with gratification. And we are no less inspired with profound gratitude by that self-denial with which your excellency personally has visited the poor sick in the hospitals and investigated in those places most scrupulously everything connected with their wants and the treatment of the sick, so that we have been permitted to see at one view the learned physician who determines the best remedy for the malady of the patient, and the practical Christian who closely approaches the sufferer in order to relieve him, and even, if necessary, to participate in his pains in order to alleviate them.

This society, in view of all this, has decided to present to your excellency, in this note, a testimony of the high appreciation which so noble acts merit. Besides, each and all of the members that compose it offer to your excellency their perfect attachment.

Your excellency's obedient servants,

J. I. V. EYZAGUIRRE, *President*.
VALENTIN MARCOLETA.
FRANCISCO I. B. EGUIGUREN.
JOSÉ M. GUZMAN.
VICENTE IZQUIERDO.
M. OVALLE.
JAMARIO OVALLE.
MANUEL ARRIARAN, *Secretary*.

[Inclosure G.—Translation.]

Mr. Mackenna to Mr. Root.

SANTIAGO, June 27, 1872.

Notwithstanding the Central Society for "Lazeretos" has offered to your excellency the most expressive thanks for your excellent article upon the internal organization of "Lazeretos," and the curing of their patients, this "Intendencia" takes pleasure in multiplying the manifestations of its especial acknowledgments for a service as op-

fortune as charitable. It is truly a great consolation and a distinguished honor for our enlightened capital to excite sympathies so high and so sincere as those which your excellency has contributed, it being worthy of note that this is perhaps the first occasion in which the representative of a friendly nation has proved to our fellow-citizens by especial acts of self-denial, and of work that appeals to the human soul, which it has been the custom hitherto to leave exclusively to toasts and protocols.

God guard your excellency.

B. VICUÑA MACKENNA.

[Inclosure H.—Translation.]

Mr. Mackenna to Mr. Root.

SANTIAGO, July 12, 1872.

SIR: I have the honor of placing within the knowledge of your excellency that this Intendencia has unanimously decided to name one of the new streets of Santiago with the name of Root street, (Calle de Root,) in memory and honor of the generous and philanthropic services which your excellency has been pleased to lend to the unhappy sick during the epidemic which has afflicted and yet saddens the city.

God guard your excellency.

BENJ. VICUÑA MACKENNA,
Intendente of Santiago.

[Inclosure J.]

Mr. Root to Mr. Mackenna.

LEGATION OF THE UNITED STATES,
Santiago de Chili, July 15, 1872.

SIR: It is with mingled feelings of surprise and pride that I acknowledge the reception of the official communication of your honor notifying me that the Intendencia of Santiago has named one of its new streets by my name as a token of its appreciation of the humble efforts I have made in behalf of those afflicted with the small-pox in this city. I am surprised that so little on my part has been deemed worthy so much present pleasant notice and future remembrance.

My feelings of pride are not a little appealed to by being thought deserving the esteem, commendation, and recollection of the city of Santiago, within the limits of which are found so many noble self-denying souls, whose generous philanthropic sentiments—in this sad hour—are being demonstrated to such an extent in courageous, self-sacrificing acts, thereby, unknown to themselves, erecting in the dearest memories of their fellow-men monuments more to be cherished than pillars of marble, or statues of brass.

That the blessings of an ever kind and watchful Providence may continually be vouchsafed to yourself, your co-workers, and those under your care, is the earnest prayer of

Your obedient servant,

J. R. ROOT.

[Inclosure K.—Translation from La Republica.]

JUNE 18, 1872.

The representative of the United States, Mr. Root, has contributed in a great measure to manifest to the authorities the true condition of the lazaretos, (small-pox hospitals,) and the best means to combat the epidemic.

Mr. Root has visited all the places of contagion, in many of which the Sisters of Charity lend their important and pious services.

The self-sacrificing conduct of the North American minister is a demonstration of his sympathetic sentiments, and his opinion is a most valuable assistance in the present situation.

[Inclosure L.—Translation from the Ferro Carril.]

JULY 5, 1872.

The Honorable Mr. Root, minister of the United States, is now sick with the small-pox. Mr. Root has examined, visited, and carefully studied all the lazarettos of the capital with an indefatigable constancy. The public health owes him a great debt of gratitude, and the epidemic, of which to-day he is a victim, has found him among its most vigorous adversaries.

Mr. Root possesses a grand spirit and a grand heart. The men of science have been able to judge his works as above science. All noble souls have been able to estimate the spontaneity of his services. Representative of a friendly nation, he has contributed with the sacrifice of his person to manifest the lofty sentiments of that nation.

This time diplomacy has taught humanity, and humanity self-denial. Mr. Root has been wounded on the field of battle. There is nothing more honorable than the scars of war.

[Inclosure M.—Translation from the Ferro Carril.]

Words spoken by Don Domingo Arteagar, Alemparte, the editor, at a large banquet given to the medical students who had acted nobly during the epidemic.

SEPTEMBER 4, 1872.

GENTLEMEN: I arise to propose a toast in honor of the Honorable Mr. Root, minister of the United States. The Government of the United States sent him to Chili to cultivate with our government the relations of good-fellowship and harmony, which happily exist between the two countries.

In presence of the epidemic which afflicted us, Mr. Root contented not himself alone with performing the duties of that noble mission. Disregarding the advantages of his exalted position, the comforts and securities of his home, he wished to cultivate also relations with the suffering and the contagion of our city. He visited our lazarettos, he attended and aided our sick—compromised his life by saving our lives. He has been thus something more than the diplomatic representative of the great republic. He has been a man of charity.

Gentlemen: To the health of Mr. Root, envoy extraordinary and minister plenipotentiary of the human brotherhood, near the afflictions and sympathies of the Chilean people.

[Inclosure N.]

SATURDAY, August 10, 1872.

Important letter from the Hon. J. P. Root to Santiago medical students.

SANTIAGO, July 24, 1872.

HONORABLE SIR: Grateful for the zeal and self-denial you have manifested, as well in the hospitals as in private toward our unfortunate countrymen; and desirous likewise of co-operating in the early extinction of the epidemic, we take the liberty of requesting you to be so good as to put us in possession of your professional observations with regard to the disease, accompanied with the well-devised and successful method of treatment which your knowledge has suggested to you.

We, mere beginners in the medical career, hope to second the efforts you have made for the extirpation of the disease, availing ourselves of the scientific information you may be so good as to provide us with, on which account the victims of the epidemic, as well as your attentive admirers and friends, will remain eternally obliged.

JACINTO O. DEL RIO.
ERNESTO TURENNE.

The Hon. J. P. ROOT, *Present.*

[Inclosure O.]

SANTIAGO, July 25, 1872.

GENTLEMEN: Your very complimentary letter of yesterday, asking my views touching the treatment of small-pox, I shall answer with much pleasure, and though unable in the short time I can devote thereto to give you my ideas as fully as I should like, I will endeavor to make what I do say so clear that my suggestions may be easily

comprehended; trusting also to your intelligence and kindness for the more symmetrical arrangement of what I am obliged somewhat hurriedly to throw together.

And permit me, in commencing, to state that it is no depreciation of the efforts of the many noble, self-denying individuals, who have given their personal and other services to the alleviation and care of the unfortunate sick, in the terrible epidemic that now afflicts this people, for me to say that your colleagues and co-workers, all those young men preparing themselves for physicians, who have so generously, and with so much self-sacrificing philanthropy, left their homes, where they were surrounded with all that love, health, wealth, and refinement could make attractive, to spend days and nights in the very midst of pestilential and fetid odors, and in the presence of the gravest contagion, disease and death, giving their energies, mental and physical, to the curing of maladies of the severest type, deserve a meed of praise and honorable remembrance which cannot be overestimated. I have too often witnessed their smile of satisfaction, as indications of returning health were visible, and the look of sadness depicted in their countenances as they beheld the unmistakable signs of approaching death in the patients under their care, not to be thoroughly convinced that their noble hearts, as well as intelligent heads, were devoted to their arduous labors. Such scenes, however, are incident to the practice of medicine, and must be prepared for by all who would be perfect in their profession. And well may the city of Santiago congratulate itself, while contemplating the fact that the health of its fast-coming future, to a great extent, must be in the hands of these young men now preparing themselves for the weighty responsibilities of physicians and surgeons.

Allow me also to suggest that no one can be too well prepared for his professional life, and also, no matter how much time has been spent in the preparatory course, every day's experience of the scientific physician will demonstrate the fact that his education is still incomplete, and there always ought and ever will be an earnest longing for more knowledge.

I also regret to inform you that, as you advance in medical wisdom and seek after truth, no matter from what source it may emanate, you will continually find your way blocked up with the accumulated rubbish of ages, and, unless you have more than ordinary courage, you will give up, like thousands before you, and rest satisfied with what is claimed upon a certain kind of authority to be truth, when you have only obtained a feeble glimmering of the true light of science. The great trouble in your most noble profession is that by far too many men in it advance backward, with their faces ever looking toward the dim and musty past, instead of fronting the bright future with its brilliant omens of progress. While it is well to consult all the learning and read as many books as possible of ancient as well as modern times, it is of great importance to recognize the fact that the great "book of nature" is the only infallible work whose teachings never go astray, and the true student thereof will never tire in his reading of its beautiful pages, or fail to be captivated with the splendid results ever to be expected from closely following its indications.

You will excuse me for these prefatory remarks, made in view of the fact that yet you have not finished your course of medical studies, when I tell you that it has taken me many long years of patient research and practical experience to demonstrate satisfactorily to myself the worse than utter folly of many things I was obliged to learn through the means of standard books, colleges, and the wisest preceptors and professors of my country, before receiving my degree as physician and surgeon. Study for yourselves the cause and reason for everything taught you, improving every opportunity for this purpose; and just now a great lesson may be learned from watching the progress of the epidemic raging in this vicinity, whose fearful consequences have been rapidly decimating the inhabitants of this city; and in accordance with your wishes I will allude to the same, hoping my thoughts and experience may not be without some benefit.

From time to time I have surveyed the whole field here; closely examined every portion of the city, and especially those places devoted to the care of the sick; and, thanks to those who have kindly given me aid and information, I am in possession of the condition of hospitals and patients, and have a very correct knowledge of all the measures, medical and hygienic, adapted for the care and cure of the small-pox patients. Upon examination I found the sanitary condition of most of the hospitals so deplorable that my first effort was to suggest changes in that direction, and I am happy to know that, with one or two exceptions, a great improvement has been made. One prominent hospital, however, has, up to the present time, made no alteration whatever; as, on my first visit about six weeks since, the only room ventilated is the "dead-house," through which, night and day, fresh air is allowed to circulate freely. Unfortunately, however, for its occupants, the lungs which might have been benefited a few hours earlier thereby have ceased to act.

After doing what seemed within my power for the improvement of the condition of the hospital buildings, I made public my views upon the "treatment of small-pox patients," which, though you have already perused, I would recommend you again to read, for in it may be found my unchanged ideas upon this important subject—ideas which are

the result of many years' thought and experience in civil and military life, and which, if thoroughly followed, will, I am satisfied, wonderful as it may seem, save ninety-nine one-hundredths of all persons attacked with small-pox. What little one of you has personally seen of my treatment of this disease must tend to confirm this view. But that I may better be understood, I will give you again some of my suggestions.

The exact chemical poison of small-pox is yet a matter of speculation; but of its potency and power to multiply itself with the most wonderful rapidity and malignancy we have abundant proof from the fact that the most minute portion being taken into the system has the faculty of so increasing itself that, after the lapse of about eight days more or less, the whole system is so impregnated that certain symptoms, usually easily recognized, are the result. After yet a few more days, during which the poison has been unable to find its way from the body, or rather the vital forces have been unable to expel the virulent enemy, certain other symptoms occur. During the first stage there has been more or less fever, and the epidermis or cuticle has become thereby hardened, or rendered slightly impervious to matters passing through the dermis, or skin proper, so that often, when the poison of the disease at this stage is driven to the surface, it finds a barrier sufficient to prevent its entire escape, and soon, from its vicious character, a constantly increasing depot of purulent matter is congregated, affecting, to a greater or less extent, all the tissues in its neighborhood. Often leaving, after the recovery of the patient, deep pits to henceforth mark its wrathful demonstrations. Not only is the effect of these aggregations of poisons pus visible upon the surface of the body, but when from lack of proper and frequent cleansing of the skin these poisonous substances are absorbed, other parts of the system are affected, which, added to the already enfeebled condition of the same by the presence of uneliminated virus, with its consequent effects, tends to threaten the whole economy with rapid destruction, as not only the tegumentary but the osseous, nervous, muscular, vascular, and other systems are sufferers. I have not time, however, to enlarge in this direction. Further along I shall indicate a treatment preventing to a great extent the above condition of the skin.

As it is now a pretty well understood fact that the poison of contagious and infectious diseases may be rendered inert or harmless when they can be reached by certain agents called disinfectants; as, for instance, a room, or the clothing even, filled with the contagion of small-pox, by the proper application of disinfecting agents may be made perfectly sweet and wholesome. Mainly upon this fact rests the theory for my peculiar treatment of small-pox and kindred diseases, which somewhat of an extended practice has demonstrated to be of perfect practicability.

Without the poison of the disease the patient would be well; therefore, all that is needed is to destroy the poison without destroying the patient, as is too often the case. And all the remedies given with the idea of combating simply an inflammation or fever are worse than useless. There are only two methods of treatment which can by any possibility do the patient good. One is to support the strength of the patient while nature fights its venomous enemy, hoping that, eventually, the poisonous intruder may be overcome and expelled, and then allow the enfeebled though victorious vital energies of the poor sufferer to slowly renew their wonted life. The other method, and the one I adopt, is, while doing all in my power to sustain the severely taxed energies of the patient in their great fight with their malignant foe, at the same time to at once close the contest by instantly, if possible, rendering his poison harmless for evil. And when this is done early, the few repairs needed are too insignificant to cause any trouble whatever. All other theories and practices save these two should be driven from the profession as unworthy the attention of scientific minds. The vast army of antiphlogistic remedies often marshaled against this disease are only too apt to become swift and powerful allies of the same. Of course the golden moments in the treatment of small-pox are the first hours or days of the disease, and he who waits for the disease to fully develop itself before commencing offensive operations against it ought to expect the same fate as the captain who, in war, should wait for his citadel, with its guns and magazines, to be in the hands of the enemy before making any hostile demonstrations against him. Not a moment is to be lost; an expectant treatment will not answer; go at once to work in every judicious way, both outside and inside the body, and in no disease will you find so sure a reward for the labor performed.

But you ask for more details. First, then, omit to give any debilitating medicines. This is very easy, and can be performed by any one.

There are so many remedial agents which may be used that different physicians may be excused for not adopting the same articles, even though desiring the same results.

My general sanatory ideas, relating to heat, ventilation, &c., as well as many of my medical ones, as said before, may be found in my communication on the "treatment of small-pox;" therefore I will omit many things found therein, and give some of my most common practices.

For years I have been in the habit of giving the muriated tincture of iron for erysipelas with decided success, and it occurred to me that, as in small-pox, the inflammation has more or less of an erysipelatous character, this remedy would be of service,

and, upon trial, I was charmed with its beneficial results. In the very first stage of this disease I am in the habit of giving it to adults in doses of from five to forty drops, or even in larger quantities, every four, six, eight, or ten hours, as the case may be, and to children in proportionate doses. This medicine acts in many ways; it is highly supporting to the system, aside from having powerful disinfecting properties, and, in connection with other medicines and appliances, reduces often in a marked manner the rapidity of the pulse and other conditions of the patient, and anticipates and prevents one of the most frightful phenomena of the disease, to wit, hemorrhage. I also am in the habit of giving, midway between the doses of this preparation of iron, some alkali; and I have often found the carbonate of lime (prepared chalk) in larger or smaller quantities, according to the age and condition of the patient, a very valuable remedy; the doses being from a few grains to two teaspoonfuls. This remedy acts as an antiseptic, and sometimes, combining with the chlorine, from the hydrochloric acid of the muriated tincture of iron, forms, within the body, the chloride of lime, a powerful disinfectant. Chlorate of potash is also a favorite remedy with me, and sometimes lime-water and charcoal have been used with good effects, and other similar medicines, giving quinine in doses proportioned to the age and condition of patient and stage of the disease.

I generally prefer an enema rather than a purge, when either seems indicated, and a favorite one for an adult is composed of three teaspoonfuls of oil of turpentine, three tablespoonfuls of castor-oil, from one to two teaspoonful of common salt, (chloride of sodium,) and often an addition of more or less carbonate of lime, with about a pint of tepid water. These quantities can be varied to suit the age and condition of the patient. While giving the chalk and iron it will be found that often a laxative or opposite effect may be produced by lessening the quantity of either the one or the other as may be desired, the acid of the iron preparation, by neutralizing the alkali of the other, often proving a pleasant laxative; or, in case there has been too much chalk given, and a constipated condition of the bowels is the result, lemonade or other acidulated drinks will answer the purpose of a mild aperient. I have frequently administered internally carbolic acid with good results.

Touching nourishment, &c., I shall not speak, as in another place I have referred you for much omitted here.

For the soreness of the throat, which is often very severe, a favorite remedy with me is the tincture of iodine, painted externally over the diseased locality; also a gargle of chlorate of potash. The external treatment, though emphatically spoken of in another place, I cannot refrain from alluding to here, as upon it depends so much to be expected in the curing of small-pox, and without which it is the utmost waste of hope to expect to save a goodly proportion of patients gravely sick.

The skin is one of the greatest emunctories, to which is brought, and on which is deposited, a vast amount of filthy, effete, and diseased emanations and excretions of the body, and there would be just as much sense in confining the body of the patient in an accumulation of all the other excretions of the body as in those of the skin; the effect would be the same, only differing in degree. Therefore, from the first to the last, every portion of the body must be washed from one to many times each twenty-four hours, depending upon the stage of the disease and condition of the patient. I am in the habit of alternating an acid with an alkali; and I like a solution of carbolic acid and water, alternating with a chalk mixture, using each quite warm; and frequently I have found a combination of both very beneficial. Sometimes, in case of extreme heat of the head, thin cloths wet in cold water are of service, always keeping the feet warm; but the habit of suddenly applying cold water, and then allowing the consequent re-action to quickly follow, only adds to heated condition of the part, a fact which may be made of great service in many cases of disease; but I prefer in this disease tepid or even hot bathtings, very frequently as hot as possible to bear, all of which may be, for convenience' sake, performed by sponge bathtings, and great care should always be observed that no chilly sensations are allowed. Either the room should be made quite warm for the purpose, and then only a portion of the body exposed at one time, or, what is better, in a hospital or room with many patients, is a sort of tent made of a light frame covered with thin, white cloth, to be placed over the bed while the bathing is being performed. In this way exposure and currents of air are prevented. An alcohol-lamp, or some other appliance, can be placed under the bed, and the air made quite warm in a few moments, in which case the body may be more readily bathed, shirts and sheets changed, &c.; but the general principle must be observed no matter how the bathing is performed. In the early stages of the disease the entire surface of the body should be cleansed in this way at least four times each day, and, in case of great febrile excitement and much delirium, even much oftener, such bathing being always grateful to the patient. One of you may remember the little boy, a patient of mine, whose treatment was witnessed, whose pulse from being one hundred and sixty-eight in the evening, with a grave kind of delirium and a fever corresponding thereto, as he came to his senses at 2 a. m., asking to be bathed again, having a semi-consciousness of what had done him good, having been treated as indi-

cated above, and, in the morning feeling free from pain, even sitting up in bed smiling, with a pulse sixty-six beats less than a few hours before, looking at an illustrated paper, and past all danger. The poison of the disease having been completely annihilated by the internal and external remedies before the strength of the patient had been reduced, or any serious inroads made on the system, there was no good reason why he should not feel well, and, with only a little care resume his wonted plays. The poison of the disease having been destroyed just at the period when it should have developed itself upon the surface of the body in the shape of pustular eruptions, as a matter of course these latter demonstrations made almost an entire failure to "put in an appearance;" a few faint efforts in this direction were only seen; but, in my opinion, had this child been allowed to remain with all the poisonous fetid emanations of his disease closely around him, and been dosed with all sorts of debilitating sudorifics, purgatives, emetics, &c., given for exactly what purpose no one can tell, except in a blind compliance with the time-honored practice of many very excellent men and even intelligent physicians, or because "the books say so," said little rosy-cheeked child would in all human probability have joined the army of little children that have gone to the spirit-land from this vicinity during this terrible epidemic.

In this connection I cannot help remembering a statement published only a few days ago, that in one week fourteen children were sent to a hospital in this city, and fourteen of them died; that another week forty children were admitted, and thirty-eight died. Just think, only two out of fifty-four children could be saved. It would seem that such and similar records ought to suggest a change of treatment. Up to this hour not a patient in any of the hospitals of Santiago has been bathed, even, as I have indicated, notwithstanding what has been said and written on the subject, and still more than half who enter these institutions pass from thence to the "Panteon." I speak not thus desiring any credit for ideas I may entertain differing from other men, or for what I may have done in the case of the child cited above, or others of a similar nature. I am not entirely responsible for my past experience, and wish no praise for the peculiar beliefs I hold, even though proved to be valuable. They are the result of circumstances which I did not create, and if there is anything good in them I trust you may benefit thereby; but permit me to caution you not to adopt anything I may suggest unless it is commended to your intelligence and educated judgment. Never take the dictum of any man or any authority because of its personal claims, and never discard with the cry of *humbug* any idea because of its humble origin or apparent inconsistency with the prescribed rules of the past. "Prove all things, hold fast that which is good," is sound teaching.

It is very rarely necessary in this disease to use alcoholic stimulation. This remark may surprise you, as you have witnessed a widely different practice. The patient seldom dies from debility, as that term is commonly used, but from the poison of the disease, and the almost universal use of wines cannot but do harm. When an alcoholic stimulant is indicated it should be one with as little acid as possible; but, with the treatment I have suggested, not one case in a hundred will need any such stimulation. Too much care in this direction cannot be used. Tonics are more indicated than stimulants, and alkalies much more than acids. In proof of the latter it will be found almost universally that all the excretions and secretions of the small-pox patient are of an acid character. This is also not only true of the tears, saliva, perspiration, urine, &c., but of the poisonous purulent accumulations in the pustular eruptions. I have known alkalies administered medicinally, with very unsatisfactory results to the physician, as well as the patient, from the fact that their good tendencies were more than counterbalanced by the acid wines given ostensibly to support the patient, whose real effect, however, was to support the disease. These remarks hold true in most of the exanthematous diseases, and a treatment similar to what I have given for this disease I have used with perfect success in the gravest cases of scarlatina.

The great secret is to exterminate the poison of the disease wherever found, and for this purpose all the needed appliances of science and art, together with every health-giving element of nature, should be brought into service and made to perform its part; and the persistent effort to save the life of the patient should not be given up until every chance for life is absolutely lost. It is not enough that the breathing grows difficult, the circulation of the blood apparently ceasing, together with many other signs of approaching dissolution. Multitudes have been saved in this, as in other diseases, long after the pulse has ceased to give indications of vital power. Never yield the fight with the enemy until the last ray of hope is gone.

In closing, excuse me for remarking that the idea that a person laboring under the distressing influence of small-pox should be still further prostrated with debilitating medicines, condemned to suffer in a dark close room filled with a pestilential atmosphere, without ventilation, without change of clothing, without ever cleaning the vile, fetid infections from the body, &c., &c., is perfectly incomprehensible, and totally at variance with the teachings of nature, science, and reason; and I am sure that when the great benefits to be derived from an opposite treatment are understood, no sane man will be found encouraging or tolerating such unfortunate practice.

Hoping these thoughts, hastily penned, may excite in your minds, already full of laudable ambition, yet increased desires for useful and practical knowledge, so soon to be made serviceable to your fellow-men, I remain, gentlemen, your sincere friend,
J. P. ROOT.

Messrs. JACINTO O. DEL RIO AND ERNESTO TURENNE.

CHINA.

No. 75.

Mr. Low to Mr. Fish.

No. 116.]

LEGATION OF THE UNITED STATES,
Peking, December 26, 1871. (Received February 27.)

SIR: Several weeks since Mr. C. D. Williams, an American merchant, visited Peking for the purpose of ascertaining if the port of Kiungchow, on the island of Hainan, could be availed of as a place for permanent residence and trade; if so, he proposed to establish a business there without delay. He further informed me that arrangements were about completed for placing a line of American steamers on the route between Canton, Hong-Kong, and Kiungchow, in case the latter port be opened. Mr. Williams brought with him letters from some of the largest American houses in Shanghai and Hong-Kong, expressing a strong desire that steps be taken immediately for the opening of that port officially, also a dispatch from the consul-general warmly indorsing the movement.

In the British and French treaties of 1858, and also that of Germany, Kiungchow is among the ports named for foreign residence and trade. Neither in the American nor Russian treaties is that port mentioned, although legally the right inures to us as fully through the "favored nation clause" as if the place was specially mentioned. I may add that neither power had availed itself of the treaty-right referred to up to 1869, when the British minister agreed in the convention concluded between himself and Prince Kung, to exchange Kiungchow for Wenchow, a port on the coast between Ningpo and Foochow. That convention, as you are aware, failed to receive the sanction of Her Majesty's government. In view of the circumstances above mentioned, and the possible misconception of the Chinese government of the real status as it now is, it seemed the better policy to enlist the other treaty powers in the movement.

It seemed to me desirable that a declaration of all the governments represented here, of their intention to avail themselves of this treaty-right, be made simultaneously if possible. Such a combined movement would be likely to prevent further correspondence or discussion, and lead the government to make provision for the accommodation of trade and the safety of those who go there to reside, more speedily and effectively than if the demand were made by me alone. Upon consulting my colleagues, I found them all willing to join in making the declaration I desired.

On the 29th ultimo I sent an unofficial note to the foreign office, informing the ministers that American merchants were desirous of opening trade at Kiungchow, and saying that I should address myself to Prince Kung, officially, upon the same subject soon. On the 23d instant I sent a note to the prince, copy of which I have the honor to inclose. On the

same day the representatives of England, France, Germany, and **Russia** sent notes of the same purport as mine.

No objection can legally or properly be made to our demand, and I apprehend there will be no delay in the formal opening of the port. It is of course impossible to say now how important the trade may become, but until its value is demonstrated by experience, it would not, in my opinion, be advisable to incur much expense in the way of a consular establishment.

I have, therefore, to recommend that Kiungchow be attached to the consular district of Canton, with a resident consular agent, to be named by the consul at Canton. I have already instructed Mr. Jewell to assume consular jurisdiction over Kiungchow until the pleasure of the Department is made known.

Trusting that my action as herein detailed may meet your sanction, I have, &c.,

FREDERICK F. LOW.

[Inclosure.]

Mr. Low to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, December 23, 1871.

In pursuance of the intimation contained in my unofficial note of the 29th ultimo. I have now the honor to inform your imperial highness that the Government of the United States proposes to avail itself of the provision contained in the several treaties by which the port of Kiungchow, on the Island of Hainan, is declared open to foreign residence and trade, and I have, most respectfully, to request that you will, without delay, issue the necessary orders to the provincial officers within whose jurisdiction the before-mentioned port is, and also instruct the inspector-general of customs to make the necessary arrangements to meet the requirements of trade.

With assurances of my high consideration, I have the honor to be, &c.,

FREDERICK F. LOW.

No. 76.

Mr. Low to Mr. Fish.

[Extract.]

No. 121.]

LEGATION OF THE UNITED STATES,
Peking, January 10, 1872. (Received April 1.)

SIR: Referring to my No. 116, with reference to the opening of the port of Kiungchow, I have now the honor to inclose translation of Prince Kung's reply, in which he says, in substance, that orders have been sent to the authorities of Kwangtung province to make the necessary arrangements.

* * * * *

I have, &c.,

FREDERICK F. LOW.

[Inclosure.—Translation.]

Prince Kung to Mr. Low.

JANUARY 5, 1872.

On the 25th of December, 1871, I received your excellency's dispatch, saying: "My country is desirous that, in accordance with the provisions of the treaties, the port of Kiungchow, on the island of Hainan, shall be opened to foreign trade; and I have to

request that the local authorities of that province may be informed about it without delay, and also that instructions may be given to the inspector-general of customs ordering him to collect the revenue from the foreign trade," &c., &c.

In the fourteenth article of the treaty with the United States Kiungchow is not mentioned as one of the commercial ports; but the thirtieth article provides that whatever concessions are made to other countries for the advantage of trade and commerce, such rights and privileges shall equally accrue to your country. Now, having received your excellency's dispatch stating that it is your desire that, in accordance with the treaties of other countries, the port of Kiungchow shall be considered a port open to foreign trade, and requesting this yamen to notify the provincial authorities that they may adopt such measures as may be necessary, and having received dispatches from the other foreign ministers making a similar request, I have to inform you in reply that it will be necessary to wait until orders can be sent to the high authorities at Canton, who will instruct the local officers to make the needful arrangements for the purpose. As soon as a reply is returned I will again communicate with your excellency and the other foreign ministers.

Meanwhile this reply is sent.

A necessary communication addressed to His Excellency F. F. Low, United States minister.

No. 77

Mr. Low to Mr. Fish.

No. 123.]

LEGATION OF THE UNITED STATES,
Peking, January 13, 1872. (Received April 1.)

SIR: I beg to thank you for your approval of my general course in the conduct of the expedition to Corea, conveyed in your dispatch No. 54.

With reference to the observation that the Department is of the opinion that my communications should have been addressed to the principal minister for foreign affairs instead of the King, I beg to state some of the reasons why a departure from the course usual in such correspondence seemed necessary.

It is proper that I should say in this connection that the mode and manner of approaching the government of Corea engaged my attention from the moment your instructions reached me, and the course pursued was decided on only after mature deliberation.

All the information obtainable, concerning the organization of that government, went to prove that such an official as a minister for foreign affairs did not exist; and it seemed altogether likely that if I addressed a communication to such an official, it would reach a very subordinate board charged with the control of the inhabitants on some of the outlying islands off the coast of that country, over whom the King exercises a military control.

A brief description of the organization of the Chinese government, of which that of Corea is a counterpart, may not prove uninteresting; it will, at the same time, illustrate what I desire to say better than it can be done in any other manner.

The supreme head of the government is the Emperor. He is assisted by several high ministers, who compose what is known as the "grand council," whose functions are advisory simply. Subordinate to this head are the "six boards"—civil office, revenue, rites, war, punishments, and works. They rank in dignity in the order named. Each of these boards has several departments or bureaus, to each of which are confided particular duties.

In addition to the six boards before mentioned there are four inferior ones, viz: colonial office, censorate, judicature, and education. There are also separate departments in each of these. All the business of the

imperial government is transacted by and through these ten boards, the particular functions of each being marked with great precision and definitely defined.

Everything connected with the tributary states, such as the reception of their ambassadors and tribute-bearers, is under the control of, and is managed by, a department in the board of rites, which is styled the "host and guest office." The government of and regulation of intercourse with "external foreigners" is managed by a department in the board of colonial office.

Included under the head of "external foreigners" are the tribes of Cobdo, Ili, Mongolia, and Koko-nor. It is said that, prior to 1860, this board had also the nominal superintendence of the affairs between China and the "barbarian countries of the west," such as England, France, the United States, &c. The Tsung-li Yamen, or foreign office, had no existence prior to 1861. It was organized in that year by imperial decree, to meet an emergency forced upon the government by the presence of resident foreign ministers in Peking, who were unwilling to transact their business with either of the boards. But even now it is not a department of the government recognized by law, nor is it mentioned in the published list of officers.

The Tsung-li Yamen is composed of seven high ministers, all of whom are presidents or vice-presidents of the six boards before referred to, with Prince Kung at the head as chief secretary for foreign affairs. The ministers' position as members of the foreign office is *ex officio* simply, the business intrusted to them being in addition to their legitimate duties as officers of the several boards.

With the exception of the "grand council," which has no existence in Corea, the organization of that government is exactly like that of China.

In view of this, it seemed probable that a communication from me, addressed to the minister for foreign affairs, would reach either the board of rites or that of colonial office; if the former, it would be considered a tacit acknowledgment that the United States consider themselves vassals of Corea; if the latter, our position would be considered on a par with the semi-savage tribes on the outlying islands. Such an impression would, I thought, be likely to prevent direct communication with any but petty officials, and thus defeat the purpose of the mission.

I was the more strongly convinced of the advisability of addressing myself to the King direct, from the fact that the Chinese officials urged no objection to it on the score of propriety. At an interview with the ministers of the foreign office, which I sought for the purpose of soliciting their friendly offices, in obedience to your instructions, when I made the proposal that they should send a letter, through the board of rites, from me to the King, nothing was said as to the impropriety of such a proceeding, nor could an objection on that score have been properly urged, for it is a well-known fact that the King corresponds on terms of equality with the board of rites, a board quite inferior in point of dignity to the Tsung-li Yamen, (leaving out Prince Kung,) with which the ministers of western nations transact all their business.

In addition to the considerations which might affect the result, so far as Corea was concerned, our standing and *prestige* in the eyes of the Chinese could not be overlooked.

It would, I thought, be a fatal mistake to assume an attitude of inferiority to Corea, looking only to the success of the expedition; and if it should prove unsuccessful, any semblance of subserviency would seriously compromise our position here. My dispatches of last spring concerning this subject clearly indicated my solicitude on this latter point;

nor did I conceal from myself from the first that non-success was possible if not probable.

In view of these considerations I deemed it my duty to address my communications direct to the King until such time as he should designate a minister of appropriate rank with whom I could consult and correspond; nor have I found any evidence since going to prove that a different course in this particular would have had the least influence for good. I may add that no person can be more averse than myself to subordinating essentials to questions of form and ceremony; but when, as is almost invariably the case in oriental countries, essentials are buried out of sight in ceremony and etiquette, a disregard of the latter hinders, if it does not defeat entirely, the accomplishment of practical results.

The foregoing explanations will, I trust, go far to justify my proceedings in this particular in the opinion of the Department.

The statements in Mr. Drew's note to the prefect of Fu Ping-fu, referred to in your dispatch, may have been ill advised. If so, they can be set down to an over-anxiety to accomplish the object for which the mission was sent, and a desire to spare no effort to that end.

Procrastination is the formidable weapon in diplomacy with orientals; every possible device will be resorted to to hinder and obstruct action on disagreeable subjects, hoping by this means to weary their opponents into compliance with their wishes. In view of this characteristic the announcement that we intended to make a protracted stay on the coast might, I thought, induce the government to send some one to treat with me; and besides, at the date on which the note was written it was not impossible that additional instructions might reach me by telegraph which would detain the fleet there longer than I would feel authorized to do without them, unless a favorable change in the *status* of affairs should occur in the mean time. The withdrawal of the fleet was not decided upon until after all reasonable efforts at peaceful negotiation, warranted by your instructions, had been exhausted, nor until I had become entirely satisfied that further delay and effort would be entirely useless. When that time had arrived I did not feel justified in keeping longer all the available vessels of the fleet on the coast of Corea, when their presence on the coasts of China and Japan might be necessary for the protection of our citizens there; to send away a portion of the vessels and remain longer myself appeared useless, and worse than useless, as the weakening of the force might induce the Coreans to commit some assault or offer insult which could not honorably be allowed to go unredressed.

In conclusion I beg leave to say that efforts to open intercourse with isolated oriental countries, whose rulers are ignorant, conceited, and exclusive, have universally been surrounded by difficulties and embarrassments, and either history nor precedent affords a safe guide for action. In these respects the mission to Corea formed no exception. That mistakes were possible, and even probable, I never for a moment doubted; and it is a source of gratification to me that, according to my present lights, so few were committed. And while I feel confident that all was done that could be, under the circumstances, it is a source of sincere regret and disappointment that the result was not all the Department hoped for and perhaps expected. But while failing to attain the main object for which the mission was sent, the ultimate results arising from it are not, I am happy to say, likely to prove as mischievous as I had feared, and at one time anticipated. The chastisement which the attack upon our vessels by the Coreans rendered neces-

sary, judging from all I can see and hear, has done good ; it has convinced the Chinese as well as their vassals that insults and injuries will not be allowed to go unredressed, which has increased the respect of this government for us as a nation. A lesson has at the same time been taught the Corean government which will prove useful ; it will, I feel certain, tend to guarantee humane treatment of shipwrecked people, who may be unfortunately thrown upon the mercy of that nation, more certainly than all the voluntary promises of the King heretofore made through the Peking government.

I have, &c.,

FREDERICK F. LOW.

No. 78.

Mr. Low to Mr. Fish.

[Extract.]

No. 129.]

LEGATION OF THE UNITED STATES,
Peking, January 25, 1872. (Received April 1.)

SIR: * * * * *

The subject of providing competent interpreters for the consulates has often been urged upon the attention of the Department and Congress. I content myself, therefore, with the remark that the more I examine into the question the more thoroughly am I convinced of the great necessity of adequate provision being made by Congress to supply this deficiency, both for the dignity and influence of the Government and the advancement of our commercial interests in China.

I am, &c.,

FREDERICK F. LOW.

No. 79.

Mr. Low to Mr. Fish.

No. 130.]

LEGATION OF THE UNITED STATES,
Peking, February 5, 1872. (Received April 26.)

SIR: When passing through Tien-tsin, on my way to Shanghai, last spring, I called upon Li-Hung-chang, the governor-general of this province. At this interview I was informed that a project of sending a number of young men to the United States to be educated was under consideration ; that the plan would be in a few months definitely decided upon, when the details would be more fully made known to me. The viceroy said that if the proposition commended itself to my good judgment he would esteem it a special favor if I would, at the appropriate time, inform my Government of the matter ; he would also be glad if I would use my influence in the proper direction to secure to the scholars kindness and consideration, and thus facilitate their reception into the proper schools, academies, and colleges.

In reply, I informed him that I cordially approved of the project, and hoped that his enlightened efforts would be sanctioned by the imperial government. I promised that I would do anything in my power to facilitate the enterprise.

In response the viceroy said that it was doubtful if the imperial government would be willing to assume the control and direction of this matter; if not, it would make little difference, for in that case it would be carried into effect by the joint efforts of himself and the Viceroy Tséng-Kwo-fan.

I am now in receipt of a note from Li-Hung-chang, in which he says that definite arrangements are made for sending the first installment of the pupils the present year.

I beg to inclose translation of what he writes concerning this subject; also my reply thereto.

The consul-general has, I believe, furnished the Department with the particulars, which renders it unnecessary for me to enter into the details of the scheme.

If I am correctly informed, this enterprise is under the patronage of the two viceroys, Tséng-Kwo-fan and Li-Hung-chang. It has, I believe, the sanction of the central government, but the foreign office assumes to exercise no control over the project itself or the details. It is not unlikely that the reason why this matter is placed in the hands of these viceroys is to be found in the fact that the government here, having established in Peking a school for teaching foreign science, it would not be consistent for the foreign office to become the responsible authors and promoters of a scheme which might, in the estimation of the Chinese, be construed as antagonistic to the Peking college.

The conception and carrying into effect of a plan for educating Chinese youths abroad is one of the most hopeful signs of progress I have seen. It goes to prove two facts: First, that the expectation of finally expelling foreigners and restoring the empire to its original *status* of exclusiveness is being abandoned; and second, that the high officials realize that foreign knowledge is indispensable in the development of the resources of their own country, if they would place her in a position to compete with Christian nations.

In this connection I may observe that, in the conversation with the viceroy Li-Hung-chang concerning this matter, I was struck with his clear conception of what he wanted to accomplish, and the proper way to do it. He said that the time had arrived when it seemed absolutely necessary to develop China's internal resources, in order to arrest decay, stop retrogression, and place her on the road to reform and advancement; that to accomplish this a knowledge of our sciences and arts is necessary; that the employment of foreigners, while it accomplished immediate results, gave no promise for a permanent and prosperous future; therefore it seemed to him that an earnest effort should be made to educate their own people, and fit them for this work. With reference to the sending of these youths to the United States, the viceroy said that this decision had been taken partly because of the unbroken amity which had existed between our country and China, but more particularly for the reason that, from all the information obtainable, he was satisfied that our schools possessed a superiority over those of Europe in imparting practical knowledge.

In this connection he remarked that their decision in this regard would excite jealousy, and it was not unlikely that he would be subjected to ungenerous criticism, because a part, if not the whole, were not sent to Europe.

To all such small-minded criticisms he professed to be entirely indifferent.

A recent editorial in one of the Shanghai newspapers, shows only too plainly that the viceroy's anticipations are being realized.

As you will see from my note to the governor-general inclosed, the Pacific Mail Steamship Company have generously proposed to convey the pupils, their teachers and guardians, to San Francisco for one-half the usual rates of fare. I cannot too strongly commend this enterprise to the kind and generous attention of the Government and people of the United States.

If success attends this initiatory step, it will, no doubt, encourage its promoters and lead to an enlargement and fuller development of the plan.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 1.]

Extract from a note from Li-Hung-chang, governor-general of Pe-chee-lee, to Mr. Low, under date of January 13, 1872.

"During the interview I had with your excellency at Tien-tsin, I referred to a plan for selecting boys to be sent to study in the United States, which plan seemed to gratify you. The plan has now been definitely fixed, and next year" the students are to be sent. Since the relations between China and the United States are extremely friendly, I take advantage of your personal friendship to say by this opportunity that if you will request the Secretary of State to take a kind interest in the enterprise I shall feel very grateful."

[Inclosure 2.]

Extract from a note from Mr. Low to Li-Hung-chang, governor-general of Pe-chee-lee, under date of January 27, 1872.

"In reply, I have the honor to say that it will afford me pleasure to comply with your request, and I doubt not my Government will use its good offices in any way it can consistently, to promote the object you have in view. I cannot too warmly indorse the movement inaugurated by your excellency. It will, I trust, result in great advantages to your country and people, and tend to increase the friendship already existing between the government of His Imperial Majesty and that of the United States.

"As an evidence of the interest which the people of the United States feel in the movement, I am authorized by the owners of the steamers running between Shanghai and the United States to say that all students, their teachers and guardians, desiring to go, will, upon presenting a certificate signed by me, be furnished with passage-tickets at one-half the regular rates of fare. If the students are obliged to bear their own expenses this offer will prove of pecuniary advantage to them; if their expenses are borne by the government, your excellency will receive the proposition as a token of friendship, which I trust will not be declined. If agreeable to you, I shall order the consul-general at Shanghai to ascertain the names of the persons who will go this year, so that I may furnish them with the proper certificate."

No. 80.

Mr. Low to Mr. Fish.

[Extract.]

No. 132.]

LEGATION OF THE UNITED STATES,
Peking, February 12, 1872. (Received April 26.)

SIR: * * * * * *

It is proper that I should observe in this connection that the employment of natives as interpreters to our consulates is a serious evil; it is fraught with danger to our interests, and lowers the dignity of the

*This refers to the next Chinese year, which commenced on the 9th of February, 1872.

Government in the estimation of the Chinese officials from the highest to the lowest.

It is only by the greatest scrutiny and constant watchfulness that a consul so situated can be certain that he will not be betrayed. * *

The insufficient appropriations for consular interpreters involves the necessity of employing such men at the present time; it would, however, be highly conducive to our interests in China were Congress to view this matter in the proper light, and make provision for filling these places with competent persons, who are identified with the honor and interests of our Government and people.

To me this is so obvious that argument seems entirely unnecessary.

I have, &c.,

FREDERICK F. LOW.

No. 81.

Mr. Low to Mr. Fish.

[Extract.]

No. 138.]

LEGATION OF THE UNITED STATES,
Peking, March 15, 1872. (Received May 23.)

SIR: I have the honor to inclose translations of three imperial decrees, all relating to the approaching marriage of the Emperor. These decrees are issued in the names of the Empress Regents; they have been officially promulgated in the Peking Gazette.

Rumors with reference to the approaching marriage of the Emperor have been current, from time to time, for a year or more past, but as they could not be traced to any reliable source I have not deemed it advisable to refer to the matter until some official information could be obtained.

The fact of declaring the Emperor of suitable age to marry does not declare him Emperor *de facto*.

It is, however, improbable that the regency will be continued any considerable time after the marriage; indeed, I shall not be surprised any day to hear that the Emperor has taken the reins of government into his own hands, even before his marriage.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 1 in No. 138.]

From the Peking Gazette, March 12, 1872.

A benign edict has, with profound respect, been received from Their Majesties Tzu An, (the benevolently tranquil,) the Empress Dowager, and Tzu Hsi, (the benevolently happy,) the Empress Mother, in language as follows:

Eleven years having now elapsed since His Majesty the Emperor in his infancy succeeded to the throne, it is meet and proper that a worthy consort should be found to occupy the principal seat in the inner palace and to assist His Majesty in administering the government with virtue, as well as to superintend the royal household.

We have, therefore, selected the daughter of Ch'ing-E, a member of the imperial academy and reader to His Majesty whose family name (Mongul) is A-lu-tê; she being accomplished, cautious, correct, and sedate, we decree shall be Empress.

Respect this.

[Inclosure 2 in No. 138.]

From the Peking Gazette, March 12, 1872.

A benign edict has been received from Their Majesties the Empress Dowager and the Empress Mother, as follows :

The daughter of Fêng Hsin, a secretary of one of the boards, (the board of punishment,) whose family (Manchu) name is Fuchä, we decree shall be His Majesty's Hün Fei, or intelligent consort, (first concubine.)

The daughter of Chüing Ling, a prefect, whose family (Manchu) name is Ho-sher-li, we decree shall be His Majesty's Yu-fin, or lustrous consort, (second concubine.)

The daughter of Sai-shang-ah, lately a lieutenant-general, whose family (Mongol) name is A-lu-te, we decree shall be His Majesty's Hsin-piu, or generous consort, (third concubine.)

Respect this.

[Inclosure 3 in No. 138.]

From the Peking Gazette, March 12, 1872.

A benign edict has been received from Their Majesties the Empress Dowager and the Empress Mother, as follows :

In keeping with the rules of ceremony on the occasion of an Emperor's marriage, we decree that the imperial astronomical board shall fix upon an auspicious day in the 9th month (October 2-31) of the present year for celebrating the marriage of the Emperor. We appoint Prince Kung, and Paochün, president of the board of revenue, who will concert plans with the proper boards, (boards of ceremonies and household office,) clearly establishing the necessary rules, and using respectful diligence in the management of the business.

Respect this.

No. 82.

Mr. Low to Mr. Fish.

[Extract.]

No. 142.]

LEGATION OF THE UNITED STATES,

Peking, March 25, 1872. (Received May 23.)

SIR: Since closing my No. 138, of the 15th instant, in which you were informed of the Emperor's proposed marriage in October next, several additional decrees concerning the same subject have been issued.

From them I learn that the 16th of October is the day fixed upon for the marriage; that the betrothal presents are to be bestowed on the 30th of August, and the wedding presents on the 19th of September. In return for the favors granted to him the Emperor has, by decree, conferred additional laudatory titles upon the Empresses. It is also expected that, in accordance with long-established custom and precedent, there will be a special dispensation of imperial bounty, in the form of brevet rank and titles to officials, and several months' extra pay to the soldiers, when the marriage takes place.

The belief is becoming general that the marriage of the Emperor and his accession to the throne as sovereign *de facto* will be simultaneous.

So strong is this belief that I have reason to think that some of the foreign representatives have already sent telegrams to their governments stating this fact and asking for instructions in regard to making a demand for audience.

* * * * *

I have, &c.,

FREDERICK F. LOW.

No. 83.

Mr. Fish to Mr. Low.

No. 81.]

DEPARTMENT OF STATE,
Washington, May 21, 1872.

SIR: With reference to your No. 130, of 5th of February, inclosing a copy of a correspondence between yourself and Viceroy Li Hung Chang, upon the subject of sending to the United States a number of Chinese youths to be educated, I have to request you to inform the viceroy that I will gladly render such counsel and advice in the matter as may be in my power.

I am, &c.,

HAMILTON FISH.

No. 84.

Mr. Low to Mr. Fish.

No. 172.]

LEGATION OF THE UNITED STATES,
Peking, July 12, 1872. (Received September 9.)

SIR: Referring to my No. 130, of 5th February last, I have now the honor to inform you that thirty Chinese students, with two guardians and two tutors, propose leaving Shanghai for the United States, on the steamer of the 26th instant or the 12th proximo. A list of these students, properly certified by me, has been sent to the vice-consul-general.

Upon presentation of a list thus certified to the agency in Shanghai, the generous proposal of the Pacific Mail Steamship Company mentioned in my previous dispatch upon this subject can be availed of.

The ages of the students are from ten to sixteen years. Yung Wing, one of the guardians, was educated in the United States, he having graduated at Yale College several years ago. His knowledge of our language and acquaintance in the United States will greatly facilitate the making of the necessary arrangements for the education of his wards. If he should visit Washington and call upon you, I bespeak for him a kindly reception, such as you would accord to a gentleman of education and refinement. This man has for some years been urging upon the native officials with whom he came in contact the necessity of foreign education.

The importance of the subject has at last been recognized by the highest officials in the empire, the first fruits of which is seen in the sending of these youths abroad to be educated. This is only the first installment of the number it is proposed to send; and if the initial experiment should appear to promise success, it is not unlikely the total number may be increased much beyond the original design.

In connection with this subject, I have the honor to inclose translation of a note from the viceroy of this province. He, you will observe, solicits your kind offices in behalf of the students; and I beg to supplement his with a similar request of my own.

I shall look with interest to the reception which this modest and humble scheme meets with from our people. If it be generous and cordial, the result will prove of more practical value to our interests here than an increase in the number of our vessels of war.

I have, &c.,

FREDERICK F. LOW.

[Inclosure in No. 84.—Translation.]

On the 1st of February, 1872, I received your excellency's note concerning the sending of Chinese youth to America to study in your schools. Your excellency kindly promises to instruct the consul-general at Shanghai correctly as to the names of those who are to go, that he may issue for them a suitable certificate, and that one-half the steamer fare should be remitted them. You express a desire to thus arrange this matter in order to afford a proof of the mutual friendship of the two nations, and you trust I will not refuse. In this your excellency's unusual interest and desire to assist in a good scheme is seen, and it shall always be remembered with deep gratitude.

Immediately on the receipt of your note I sent a communication to Tseng Kuo Fan, superintendent of trade for the southern ports, and we appointed Chên Lan Piu and Rung Hung (Yung Wing) officers to be in charge of the young persons going abroad, and directed them to deliberate and settle upon a suitable plan. Thereupon Chên and Yung Wing asked leave to go to their homes in Kuantung to arrange their private affairs preliminary to their departure, hence the long delay in my reply. Rung has already returned to Shanghai, and Chen will be back at no distant day. Selection of the bright and intelligent lads who are to go abroad has just been made, and I think that in the autumn of the present year the first installment will leave. Yung Wing has already been in American schools and understands their methods thoroughly.

I have commanded these two officials to plan together at Shanghai with the American consul-general, and when the time for their departure shall have come to send the names and number of the students to the consul-general, by him to be forwarded to your excellency that you may issue a suitable certificate, which these two officials may take with them.

On the American steamers there is a fixed rate of passage, and the Chinese government in sending these persons abroad is particular about this matter, and of its own thought would be unwilling to pay less. Only let the officers of the steamers be particular to regard their wants, and it is unnecessary to direct them to reduce the fare. But in your letter appears the statement that on a certificate from your excellency the fare would be reduced one-half. If hitherto there has been a rule for such a reduction, then certainly the said officers should accept the favor. If there has been no rule for such a reduction, it is not fitting that because of our friendship with your excellency the steamship company should suffer loss. In this point the deep and sincere friendliness of your excellency is even more appreciated and trusted in by us.

The fares, tuition, and current expenses of these students will all be taken charge of by Chen and Yung Wing. I would again request your excellency to send a note to the American Secretary of State, that when these officers and students shall have reached your country, he will, in whatever circumstances they may be, kindly have a care and protection over them. I trust that thus the students will make constant progress, and become thoroughly proficient in astronomy, geography, arithmetic, and mechanics, and that they may not disappoint the great hopes entertained by the Tsung-li Yamén, Prince Kung, and myself. In making this reply I take the opportunity to wish your excellency the compliments of the day.

Card of Li, viceroy of Chihli.

MAY 30, 1872.

No. 85.

Mr. Low to Mr. Fish.

No. 188.]

LEGATION OF THE UNITED STATES,
Peking, September 19, 1872. (Received November 23.)

SIR: The proper disposition of the surplus of the Chinese indemnity fund has been a topic of discussion, both in and out of Congress, for ten years or more. The dispatches of my predecessors in office and the President's messages have contained earnest recommendations that this money should be devoted to the establishment and support of a school in China for the education of a certain number of our own citizens in the Chinese language and literature, and a corresponding number of Chinese in ours.

About a year ago I had the honor to address you upon the same subject, in which the plan referred to was respectfully urged upon the at-

tention of the Department and Congress. (See Diplomatic Correspondence, 1871, pp. 226 and 227.) Since then memorials have, I observe, been addressed to Congress by colleges, societies, and committees of citizens in various sections of the United States, all, so far as I know, indorsing and advocating the same thing substantially.

Since the adjournment of the last session of Congress, I have been placed in possession of a copy of a bill (H. R. No. 2849) in which the disposal of this fund is provided for. It appears that the bill in question was, on May 20, 1872, reported to the House by its Committee on Foreign Affairs, ordered printed, and recommitted. It will, it may be presumed, come up for final action at the next session of Congress. Were the bill, in its present form, to become a law, it would not be likely to accomplish the result which those more immediately acquainted with the subject so earnestly desire. Were it permissible, I would not only suggest, but warmly recommend that the bill referred to be amended by striking out the first and second sections, and a portion of the third, down to and including the word "then" in the third line. Were this done, the bill would then provide for the disposition of the fund in a simple yet comprehensive manner, which could hardly fail to secure important advantages to China as well as the United States.

The reasons for this suggestion are:

1st. The absence of any valid reason for re-opening the "Caldera" case. That claim was properly adjudicated, with many others, and the award which was made was and is considered, by those most conversant with the facts, an extremely liberal one. The written opinions of the arbitrators, on file in the Department, and Mr. Burlingame's dispatch of November 18, 1863, (see Diplomatic Correspondence, 1864, part 3, pp. 346, 347, 348,) contain what would appear to be conclusive evidence on this point; and besides, if this case be re-opened there is no apparent reason why all the claimants of indemnity may not with propriety make a similar demand. Were all these claims to be re-adjudicated, it may be doubted whether any surplus would be left.

2d. The Chinese government have no legal claim to the surplus in question. If an equitable claim exists, which I am quite free to admit is the case, the appropriation of the fund in the manner suggested will discharge the obligation better than it can be done in any other way. Were the offer made as provided for in the second section of the bill, it would, without doubt, be accepted.

3d. The need of competent interpreters and translators in the legation and the consulates grows more apparent. This subject has been brought to the attention of the Department and Congress by my predecessors and myself, and although these representations have been indorsed and commended to the favorable consideration of Congress by the Department and the President, they have failed to secure the much needed legislation. Unless the funds in question can be utilized in some manner such as has been proposed, it is not unlikely that the public interests will continue to suffer for some years from the lack of a competent staff in the legation and the consulates.

Even if Congress should make provision for the employment of additional interpreters, the difficulty will be to find persons fitted for such positions. Unless arrangements are made for *educating* our own citizens for the work we will be compelled to employ Europeans or Chinese, as is generally the case now. The objection to filling such responsible and confidential positions with aliens must be obvious to all who will give the subject a moment's thought.

If the future trade of China and Japan is of prospective value suffi-

cient to justify the Government of the United States in granting a mail subsidy of \$1,000,000 annually, of which, no one acquainted with the subject can for a moment doubt, it would seem that the moderate additional expenditure necessary to put the legation and consulates in these countries upon a respectable footing ought not to be withheld.

To foster and extend commerce and trade, relations of amity, goodwill, and confidence should be cultivated with this government and people. No one thing would tend so much to promote this, and at the same time facilitate intercourse and advance material interests, as the education of a corps of interpreters. Were there reason to expect or even hope that this would be provided for by a direct appropriation, I should offer no objection to the return of the indemnity fund to the Chinese. In the absense of any reasonable ground of hope in this regard, I am anxious to see the fund applied as has been suggested. This whole subject has engaged my attention since the days I arrived in China. My opinions are the result of experience, and are very decided; and if they are stated with unbecoming plainness and force, my apology must be in the fact that the needs of the service are too apparent to be overlooked by me while the remedy lies with Congress alone. The means are at hand to supply the want; all that is necessary is for Congress to apply them in the proper way.

I have, &c.,

FREDERICK F. LOW.

[No. 86.]

Mr. Fish to Mr. Low.

No. 101.]

DEPARTMENT OF STATE,
Washington, October 4, 1872.

SIR: Your dispatch No. 172, under date of 12th July last, relating to the departure of thirty Chinese youths for education in the United States, and bespeaking my good offices in their behalf at the request of Li Hung Chang, has been received. The arrival of these young men is regarded with interest, and it will give me pleasure to manifest my friendly feeling for them should a proper occasion offer.

I am, &c.,

HAMILTON FISH.

COLOMBIA.

No. 87.

Mr. Hurlbut to Mr. Fish.

No. 60.]

LEGATION OF THE UNITED STATES,
Bogota, September 29, 1871. (Received October 30.)

SIR: The affair of the "Montijo," and the demand of the United States for punishment of Herréra and his accomplices as pirates, have created a good deal of excitement in the public mind.

The press is not prepared to admit that the acts complained of constitute *any* offense, especially that of piracy.

I have very carefully examined their "criminal code" and find no definition of such an offense, and of course no punishment prescribed. The only provision on the subject recognizes "piracy" as a crime to be punished according to the law of nations. But, as is always the case in countries governed by a code, unless there is a specific definition and a specific punishment provided, offenders escape, especially when, as in this case, public opinion is not up to the reality of the wrong done.

You are doubtless aware that by the eminently absurd law now in force, the national government is prohibited, *in terms*, from intermeddling in any way with the parties belligerent, and is compelled to recognize a successful revolution as a government not only *de facto* but *de jure*.

At the last session of congress an attempt was made to change this law by inserting provisions analogous to those in our own Constitution, but it was rejected.

A better mode of perpetuating anarchy and popularizing rebellion was never invented, and for this reason armed rebellion is one of the most ordinary modes of acquiring power, and, like all successful things, is considered not only excusable but laudable.

In this state of things, both of the law and of public feeling, to characterize the acts of the Panama revolutionists as piratical seems to this people almost an insult to the nation, and of course we cannot expect any special activity or interest in bringing the offenders to justice. The administration is in advance of the popular sentiment, but even President Salgar is not up to the requirements of the occasion.

Herrera and Diaz, the chief offenders, have established themselves in business in Central America on the money which Correo, president of Panama, gave them to make peace, money wrested from the merchants of Panama as a forced loan for defense, and on the spoils they made by seizures during the revolution in the places held by them.

Franceschi, one of the chiefs of the revolution, is returned (by contract) as member of Congress from Panama, although it is notorious that he was no candidate at the election, and did not receive a vote.

In this state of affairs I see no hope for any punishment to be inflicted upon these people, and it becomes a very serious question for the United States what course is to be pursued.

My hope is that the action taken by the United States may induce the next Congress to give the National Government some power of direct control over the peace and good order of the several States, some right to interfere, some power to punish, so that we can treat with this nation on comparatively equal terms.

I have in my hands claims presented by Schubert Brothers, the owners of the Montijo, for damages, both for the detention and injury of the vessel, and for personal damages for imprisonment, as also the claims of the master, mates, and engineer for the latter cause. I expect others by the next mail. As I am satisfied of the justice of these I shall present them, although I know that the country has no means to pay them.

I earnestly hope that the demand for reparation by punishment of the chiefs of the offenders will not be dropped.

In this connection, and with particular reference to the recent demand made in the port of Aspinwall, for the surrender of the American steamer Virginus by the Spanish Corvette Tornado, (of which you are doubtless advised), I respectfully urge that an efficient ship of the Navy

be stationed at Aspinwall as her headquarters, making frequent visits along the coast as far as Laguayra, in Venezuela.

It will be very advantageous to us that such a vessel should show herself regularly in all the ports of the north coast of Colombia and Venezuela, and the voyages will keep the health of men and officers in better condition than if she remained in Navy Bay.

I am, &c.,

S. A. HURLBUT.

No. 88.

Mr. Hurlbut to Mr. Fish.

No. 63.]

LEGATION OF THE UNITED STATES,
Bogota, October 7, 1871. (Received October 30.)

SIR: I am just informed by the secretary of foreign relations that the commandant of the port of Colon (Aspinwall) required bonds from the captain and agents of the American steamer *Virginus*, not to leave that port, which order the President had immediately disavowed and annulled.

I expressed at once the thanks of the United States for the promptness with which this had been done, without any solicitation on our part, for I had no knowledge of the matter in any form. For some reason I have received no communication on the subject from Consul Perry. It is probably on the way and will arrive by next mail.

I am, &c.,

S. A. HURLBUT.

No. 89.

Mr. Hunter to Mr. Hurlbut.

No. 51.]

DEPARTMENT OF STATE,
Washington, November 8, 1871.

SIR: Your dispatch No. 60, of the 29th September last, in relation to the case of the steamer *Montijo*, has been received.

You represent that the state of public opinion and the defects in the Colombian laws are unfavorable to the punishment of the captors of the *Montijo*, and express a "hope that the demand for reparation by punishment of the chiefs of the offenders will not be dropped."

You will be informed by the dispatch addressed to you by this Department on the 11th ultimo (No. 46) that "it is expected that the offenders in the case of the steamer *Montijo* will be prosecuted without any delay which can be avoided."

You will give the Colombian government to understand that we see no sufficient reason for the adoption of a different course, and you will persist in a demand for the punishment of the parties adverted to.

The intention which you make known of presenting the claim of the owners, master, &c., of the steamer *Montijo*, for damages, is approved.

Your request for a vessel of war on the coast has been referred to

the Secretary of the Navy, whose reply, when received, will be communicated to you.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 90.

Mr. Hurlbut to Mr. Fish.

No. 68.]

LEGATION OF THE UNITED STATES,
Bogota, November 10, 1871. (Received December 15.)

SIR: The condition of this country appears to me to require a detailed statement from me.

During the economic year just concluded, (October 1, 1871,) the expenses have exceeded the income, not less than \$1,800,000, which will be increased by the 1st February, 1872, when Congress meets, to not less than \$2,500,000.

I am informed to-day that in addition to this deficit, not less than \$500,000 cash will be required to be paid on or before that day, (1st February, 1872,) for borrowed money, traveling expenses of members, and other sums indispensable to be paid in cash, as, for example, \$170,000 borrowed from the Bank of Bogota at 10 per cent. interest, on short time. My informant also stated to me that he was wholly unable to say where such a sum of money or any part of it could be obtained, and could see no recourse for the government but to admit its insolvency. The consequences of such a state of things are very serious, and will almost certainly lead to revolution.

I can imagine no remedy for it, except by an act of bad faith on the part of Colombia, in repudiating their contract with the English bondholders.

Eighty-five per cent. of the customs revenue is pledged to English creditors, and unless relief is obtained by disregarding this pledge and seizing the revenue for general purposes, I do not believe that a revolution can be prevented.

You are undoubtedly aware that, by the constitution, any five States can nullify any act of Congress.

At the last session an act was passed for the promotion of internal improvements, giving among other things a guarantee of 7 per cent. interest on capital invested in certain railroads and other improvements. The States of Antioquia and Cauca have already declared this law unconstitutional and void. Antioquia at least is prepared to support her opinion by arms, having in her possession an arsenal of some 20,000 improved arms. The same States have declared the law establishing common schools unconstitutional and void.

The liberal party, now in power, and which has just elected Dr. Murillo President for the next term, supports both these laws. The question is still further complicated by the undisguised agitation set on foot by the clerical party, whose stronghold is in Antioquia and Tolima, against the further continuance in power of the liberal leaders; and all forms of fanatical exhortations are addressed by the organs of the clergy to the ignorant masses of the people, especially on the question of education, and the seizure of the conventual property.

Mosquera, now governor of Cauca, although a liberal, is largely overruled by his hostilities, and has an avowed hatred to Dr. Murillo.

Under all these circumstances the public order and expected progress of this country hang upon a very uncertain thread.

So thoroughly convinced of this is President Salgar, that notwithstanding the wretched state of the public finances, he borrowed from the Bank of Bogota \$100,000, (part of the \$170,000 above stated,) and with that amount has purchased in the United States arms and ammunition for the possible struggle.

Any trifling event may precipitate matters; a general failure to make customary payments to Congress, to the public officers, or to the army, would undoubtedly overthrow the government. The condition is deplorable, and the Murillo administration will inherit all these difficulties.

This wretched financial position of course bears upon the just claims due as well to the United States as to private citizens who have been wronged. * * *

I am, &c.,

S. A. HURLBUT.

No. 91.

Mr. Hurlbut to Mr. Fish.

No. 72.]

LEGATION OF THE UNITED STATES,
Bogota, December 7, 1871. (Received January 15, 1872.)

SIR: I had a long and full conversation with Mr. Zapata, secretary for foreign relations, yesterday, on the subject of the Montijo. He stated that the national executive possessed under the law no power nor control whatsoever over the officers in the State of Panama, whose duty it is, in the first instance, to inquire into the crimes alleged to have been committed by Herrera and his accomplices; that they had done all they could do, through the attorney-general, in requesting these officials to enter upon the preliminary investigations, and had no means of compelling their action, or of punishing a neglect of duty; that these officials were purely State officers belonging to the State of Panama, and outside the jurisdiction of the national government; that he doubted whether any favorable result would come from the investigation now commenced, and for this reason had directed in any event that an appeal be taken from the decision, be it what it might, to the federal supreme court in Bogota.

In fact, Mr. Zapata acknowledged, in substance, what a study of the constitution and laws has enforced upon my mind, that the government of Colombia is an organized anarchy, most skillfully directed to the perpetuation of revolution and the consecration of secession. They are invested with power to make treaties and deprived of power to vindicate them. They can enter into engagements, but cannot enforce them nor punish infractions.

Having no independent federal judicial system, and compelled to use as tribunals of the first instance the State courts, they are liable to constant denial or delays of justice in national affairs from the local prejudices existing in the States. Having no authority to interfere in case of local revolutions, nor to repress by force any rebellion against State authorities, they are placed at the mercy of any band of conspirators who, as in the case of the Montijo, violate solemn treaty stipulations,

and may bring the whole nation into the most imminent danger of reprisal or war by reason of such violations.

The only thing the federal executive can do is to admit the pecuniary reclamation sought for such wrongful acts, and ask the Congress to vote the money to pay the damages.

And it must be remembered that the Congress of 1870-'71 deliberately and after long argument refused to remedy this state of things, and in favor of sectionalism left the law unchanged, which positively requires of the national executive to maintain a strict neutrality in all rebellions within States, and to recognize any government *de facto* in the States, although established and maintained by arms.

In view of all these facts, I have no hope that any favorable result can be obtained from the investigations now in progress in Panama, nor that Herréra and his crew will be held to any rigorous liability. Mr. Long writes me that depositions are being taken, but it is very easy for the official in charge to procrastinate, as in fact he is now doing.

It would be the greatest boon ever conferred upon this country if these men could be brought to summary justice, and would tend very strongly to break down the habit of armed revolution which is among the most usual and praiseworthy ways of obtaining power.

I am satisfied that the Salgar administration would be very glad to procure a conviction, but have no faith in their own power to do so.

The whole question, both of punishment of the evil-doers and of pecuniary compensation, will come before the next Congress, and I expect very animated debate. It is my present belief that the Congress will hold that no crime against the laws of Colombia is involved in the acts designated by the United States as piratical.

I am, &c.,

S. A. HURLBUT.

No. 92.

Mr. Fish to Mr. Hurlbut.

No. 56.]

DEPARTMENT OF STATE,

Washington, January 4, 1872.

SIR: I transmit herewith, for your information, a copy of a dispatch addressed to this Department, on the 6th ultimo, by Mr. Long, consul of the United States at Panama, in relation to the conduct of the attorney-general for the State of Panama, with reference to the persons who committed the outrage against the steamer Montijo.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Long to Mr. Hunter.

No. 125.]

UNITED STATES CONSULATE,

Panama, December 6, 1871. (Received January 2, 1872.)

SIR: In accordance with instructions from General Hurlbut, United States minister at Bogota, I have the honor to inform you that, on the 23d of October last, I addressed a communication to the Hon. Mateo Ituralde, attorney-general for the state of Panama, in which I informed him that Thomas Herréra, Domingo Díaz, and others of the party that committed the outrage against the steamer Montijo, carrying the United States

flag, and owned by the Messrs. Schnber, citizens of the United States, were in this city, and requested them to have them there arrested, as they had committed a very grave offense against the rights and property of American citizens and against the honor and dignity of the United States. To this communication he has paid a dignified silence up to the present moment.

Herréra and company are daily seen in our streets, free to come and go as they please. They have been summoned by the attorney-general before him to give rebutting testimony in the Montijo case; as yet they have not been in any way molested or hindered in their daily avocations. They treat with contempt the idea that they are in any way responsible for their acts; and the effort of the attorney-general is to shield them from any prosecution whatever.

I have, &c.,

WM. M. LONG.

No. 93.

Mr. Hurlbut to Mr. Fish.

No. 73.]

UNITED STATES LEGATION,
Bogota, January 6, 1872. (Received February 16.)

SIR: On the first day of December, 1871, I presented for the consideration of the Colombian government the claim of Schubert Brothers, owners of the Montijo, and of the officers and crew, for compensation for seizure and detention of the ship and imprisonment of the persons. I inclose a copy of my note and of the abstract of the claim, not considering it necessary to forward copies of the evidence, the principal part of which is in the Department.

The grievances complained of were so palpable, the evidence so conclusive, and the principles on which it rests were, to my mind, so singularly clear, that I considered it unnecessary to argue the question at all in my communication to Señor Zapata.

The records of this legation, as well as of the French and English, are full of cases not near as flagrant which have been promptly settled.

On the 28th December, 1871, I received from Señor Zapata a reply of the date of 27th December, a translation of which is inclosed. In this document, Señor Zapata takes ground wholly untenable, and in direct conflict with the facts in the case, with which he is perfectly familiar. He chooses to place this case in the category of ordinary crimes committed by individual criminals upon individual sufferers, triable and punishable exclusively in the ordinary courts of justice, and ignores, I fear, willfully, the features of insurrectionary violence, of conspiracy and of combined action, which remove the case from the ordinary quality of simple crime, and give it an undeniable public character.

I was exceedingly surprised by the contents of this note, and by the decision announced that the national government denied responsibility for the pecuniary damages sustained.

On the 1st day of January, 1872, I answered in the note of that date, a copy of which is also inclosed. In ordinary cases, I presume I should have accepted the note of 27th December as final, but I was unwilling to do so without an effort to bring the Colombian government to a possible reconsideration of a decision which I could not but regard as an unfriendly act. To this end I addressed to Señor Zapata the note of January 1, with such arguments as appeared to me best suited to convince the mind of the secretary and President. Noticing in Señor Zapata's note of December 27 that the Colombian government takes shelter under the prosecution ordered, and claims some credit for that act, on the third day of January, 1872, I addressed to Señor Zapata a note

of that date, a copy of which is also inclosed, desiring to know officially what steps, if any, had been actually taken in that matter, and again pressing upon his attention the necessity of energetic and *bona-fide* prosecution of the offenders to conviction.

My information from our consul at Panama and from private sources was that no real prosecution had, in fact, been instituted in Panama, and that one of the principal offenders, Diaz, was and is now governor of the city of Panama.

You will remember, sir, that the government of Colombia, although in possession of the facts of these outrages, did not of its own motion institute proceedings against the malefactors, but remained inactive for weeks until driven into action by the demand made by me on the 5th of August, 1871, in pursuance of instructions received from the Department.

In permitting the seizure of the Montijo, in not rescuing her by force if necessary, during the two months she was detained, in not prosecuting her captors until compelled by the positive demand of the United States, and finally in not acknowledging liability for the losses and damages, it does appear to me that the Colombian government has very seriously failed in its duties toward an ally and friend.

Much, of course, is to be attributed to the inherent weakness of the form of government, as is illustrated by the extraordinary laws "of public order" of the 16th April, 1867, (commented upon by me in my note of January 1, 1872,) a translation of which is inclosed, and which is now in force.

At a late hour this evening, (6th January,) I received two dispatches from Señor Zapata of the date of 5th January, 1872, translations of which are herewith inclosed. The time is so short before the closing of the mail that I am compelled to send the rough draught of the translation with some erasures.

The note of Mr. Zapata, on the subject of the liability of the nation, is a very ingenious piece of special pleading intended for home consumption. It is impossible for any man to doubt that the capture of the Montijo was a part, and a principal one, of the insurrectionary movement, and that it would never have taken place but for the revolution.

It is not at all difficult to reconcile the two claims made by the United States, for it is very possible, as indeed was the fact, for men to be at the same time rebels and pirates, to be in revolution, and thus invested with a certain political character for which Colombia is responsible, and in the course of such revolution commit acts which constitute piracy.

I have not had time, as yet, to answer Mr. Zapata's last note, and should decline to do so at all were it not that new views and new matter have been introduced. The answer will be very brief.

You will perceive from his other note of January 5, that practically nothing has been done in the matter of the criminal prosecution in Panama, nor in fact is it in the power of the federal government to do anything more than to write official notes to the State officers, which the latter notice or disregard at their pleasure.

The entire matter is most respectfully submitted, that such final determination may be had in Washington as shall appear right, and I trust that my course in the affair may be approved.

I am, &c.,

S. A. HURLBUT.

[Inclosure No. 1.]

*Mr. Hurlbut to Mr. Zapata.*LEGATION OF THE UNITED STATES,
Bogota, December 1, 1871.

The undersigned, minister resident of the United States of America, has the honor to present his compliments to the Honorable Dr. Felipe Zapata, secretary for foreign relations, and to forward to him the inclosed claim for personal damages and to property, caused by the criminal acts of Thomas Herrera and others in the recent revolution in the State of Panama.

The inclosed claims arise out of the seizure of the American steamer *Montijo*, which has already been the subject of a reclamation on the part of the Government of the United States, and the evidence is principally contained in the papers already filed by the undersigned. It is with very sincere regret that the undersigned feels compelled to ask of the United States of Colombia just and reasonable compensation for the private wrongs and injuries done to American citizens resident within its jurisdiction.

The undersigned had hoped that the compensation in money would have been arranged in an amicable way in Panama, and is, in fact, informed that the question was submitted to a friendly arbitration, but unfortunately it appears that although an award was made in favor of Schuber Brothers for a large sum of money, the other party to the arbitration was either unwilling or unable to fulfill the same.

Recourse has therefore been had to the undersigned as the diplomatic representative of the party injured.

It certainly appears a hard thing that the general revenues of the Colombian government, derived mainly from the industry of the peaceable and law-abiding people, should be called upon to make good the spoliations of unprincipled and reckless men, but there is no other remedy, and the undersigned, therefore, on behalf of his government, has imposed upon him the necessity of requesting that the inclosed claims may be fairly considered, and, if found to be valid, as he fully believes them to be, that prompt and adequate compensation may be made.

The undersigned renews the expressions of high consideration with which he remains.

Yours, &c.

S. A. HURLBUT.

Memorandum of claims, &c., arising out of seizure of American steamer Montijo.

A.—H. Schuber & Bros., owners, for damages for detention, &c., loss of business and injury to vessel	\$43,965
B.—John Schuber for false imprisonment, &c.	25,000
C.—J. H. Saunders, captain, false imprisonment, &c.	5,000
D.—Robert Howard, chief engineer, false imprisonment	5,000
E.—Petty officers and crew, false imprisonment, &c., 4 at \$2,000; 15 at \$500 ..	15,500
	94,465

UNITED STATES LEGATION, *Bogota.*

The undersigned hands to the honorable secretary of foreign relations the above specification of claims, with the following remarks:

1. The price of the steamer per diem of her detention is fixed at \$500, being the amount which the government of Panama would have to pay in case of using the ships, *vide* Boletin Oficial No. 274, 20th December, 1869.

2. The undersigned is not prepared to set a money value upon forced imprisonment of American citizens. In one sense it can hardly be set too high; in another, as innocent people must pay it, he leaves the matter for amicable arrangement. He adds to the testimony already offered the deposition of Augustin Castellanos, the Boletin Oficial No. 274, and the *Paceta de Panama* No. 50, and a copy of the crew-list of the steamer.

S. A. HURLBUT.

[Inclosure No. 3.]

Mr. Zapata to Mr. Hurlbut.

BOGOTA, December 27, 1871.

The undersigned, secretary of the interior and for foreign relations of the United States of Colombia, has received the note bearing date the 1st day of December current, which General S. A. Hurlbut, minister resident of the United States of America, addressed to him, the object of which is to present a claim for losses and damages arising

from the capture of the steamer Montijo, executed by certain private individuals in the national waters.

This claim, having been very carefully examined under the light of the doctrines and customs of the law of nations, and especially with strict attention to the articles of the treaty which controls the relations between this republic and that which is so well represented by your excellency, the undersigned has very soon come to the conclusion that the parties interested possess no right to demand of the national government the indemnity which they seek for.

On general principles governments are not responsible for the losses and damages which foreigners within the limits of the respective jurisdictions may suffer by reason of common crimes, except in cases in which a notorious denial of justice can be proved in relation to the special attempts which have given origin to such losses and damages. As, in such cases, the work of justice consists in apprehending the persons guilty of the wrongful act, in prosecuting them in due form, and applying to them the punishment fixed in the penal code, if they shall be convicted; it is evident that the single fact of not commencing nor carrying into effect legal proceedings against the guilty parties may be a ground for reclamation against the government which fails in the duty of giving protection to individual rights.

If, in addition to this, governments were bound to compensate for the losses and damages suffered by foreigners, then immigration, far from being considered as a benefit for a nation which encourages it, must be looked upon as a misfortune, and, instead of encouraging and stimulating it by offering aid, prerogatives, and exemptions, each nation would endeavor, on the contrary, to avoid it, in order to free itself from reclamations in the innumerable cases of loss and damage which the crimes of individuals might cause to the immigrant.

Your excellency is perfectly aware that the capture of the steamer Montijo was an act committed by certain individuals who were admitted by the officers of the ship as passengers, to be carried from the port of David to the city of Panama.

The government of the republic, at the same time that it has deplored and execrated this act of violence, has taken, and continues to take, all the means in its power to the end that these persons may be prosecuted and punished. Nothing more is demanded or can justly be demanded of any government.

The existing treaty between the two republics does not contain any stipulation which could specially serve as a basis to sustain such a demand.

Both parties are by this document bound reciprocally to bestow their special protection to the persons and property of the citizens of either, of all professions, traveling or resident in the territories subject to the jurisdiction of either, "leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and customary with the natives or citizens of the country." This is all.

The undersigned renews to your excellency the assurances of the high and distinguished consideration with which he remains, yours, &c.,

FELIPE ZAPATA.

True translation from the original on file in this legation.

S. A. HURLBUT,
Minister Resident, United States of America.

[Inclosure No. 4.]

Mr. Hurlbut to Mr. Zapata.

LEGATION OF THE UNITED STATES,
Bogota, January 1, 1872.

The undersigned, minister resident of the United States of America, presents his most respectful compliments to the Honorable Felipe Zapata, secretary of the interior and foreign relations, and has the honor to acknowledge receipt of his dispatch of the 24th day of December, 1871, in which the executive power of Colombia declines to consider the nation responsible for the payment of damages resulting from the seizure of the American steamer Montijo.

The undersigned deeply regrets the decision announced in the note referred to, inasmuch as he cannot concur in the reasoning of the honorable secretary, nor in the results arrived at. It appears to the undersigned that the wrongs from which this claim originated are in their nature widely different from the case of ordinary robbery or theft committed by private criminals or simple malefactors.

The existing laws of Colombia (Lei sobre orden público, April 16, 1867,) recognize by a very strong implication the right of armed revolution, and consecrate these disturbances of public order within the States by requiring of the general government an absolute neutrality, and depriving the national authorities of any right to interfere, either to prevent, to control, or to put down such armed demonstration.

To foreign nations who deal only with the national government, and cannot recognize the individual States, this denial of power to interfere in or control such revolutionary attempts, amounts to a sanction given by the laws of Colombia to the revolutionary movement, and as a necessary consequence to the responsibility of the nation for all wrongful acts committed against foreign residents in the course of such revolution.

It is an inherent right and duty of sovereignty to protect its own citizens, and foreign residents, under solemn treaties, from loss of liberty and property. This is one of its essential attributes; the chief purpose for which sovereignty is granted, one of the primary ends and aims for which government is instituted among men.

On general principles, then, the undersigned affirms that it is one of the primary duties of all governments to maintain peace and public order, and the security of life, liberty, and property, and that for any failure or neglect to do so they are responsible. Especially is this the case if such government, after framing in treaties the most precise and clear guarantees of such rights to foreign residents, (as in the treaty of 1848), voluntarily, and without consent of the other party, disarms itself of the very power which is essentially necessary to the fulfillment of its treaty obligations, and compels itself to the melancholy position of standing with folded arms in a useless neutrality, while its own citizens and subjects commit acts of spoliation and violence upon the property and persons of foreigners who are found within its limits in full confidence of the protection and security solemnly guaranteed many years before under pledge of the good faith of the nation.

The undersigned has no hesitation in stating his conviction that the law of public order of April 16, 1867, which compels the national government to neutrality in domestic insurrection, is waste paper so far as relates to the rights and privileges of foreign residents found in this country under existing treaties, and cannot in any manner relieve the national government from the full and faithful performance of its treaty stipulations.

In the present case, certain persons in the exercise of this "right of revolution" formed a conspiracy against the legitimate government of the State of Panama. In pursuance of this conspiracy, by force and by fraud they captured an American steamer, made prisoners of the officers and crew, and used ship and crew as instruments in their insurrectionary movements, held both ship and crew for sixty-two days, and only released them when they had served their purpose. This insurrection or revolution was closed by a treaty made between the legitimate government of Panama and the revolutionists, by the terms of which the State of Panama granted full amnesty to the wrong-doers for all their acts, and assumed the responsibility for all damages arising out of the revolution.

These facts, perfectly within the knowledge of the honorable secretary, evidently distinguish the present case from simple crime committed by private individuals, and invest the affair with a public character, which not only justifies but requires that the matter shall be investigated and adjusted by diplomatic channels.

The undersigned is very clear in his opinion that it was the duty of the national government to have protected the American steamer Montijo and her crew from seizure; that it was the duty of the national government, after she was seized, to have rescued her and her crew by whatever force was necessary; and that these duties are imposed upon Colombia by the laws of nations and by the terms of her own treaties.

But the national government has failed to perform these duties, whether from want of force, from misconstruction of its own powers under the law of April 16, 1867, or from simple negligence on the part of its agents. The cause of the failure appears to the undersigned wholly immaterial; the fact exists.

The government having thus failed to protect or to rescue, the persons aggrieved, through their diplomatic representatives, request the only thing which is left, just compensation.

This compensation they ask of the national government with whom the original contract was made in the treaty of 1848, and by whom the breach of that contract was permitted.

It is not a case of injury committed by private criminals; it has no single element of a private nature. It is not a case for the courts under any construction of public law nor of existing treaties. For all these reasons, imperfectly expressed as above, the undersigned very respectfully declines the suggestion made by the honorable secretary, that recourse should be had to the courts, and requests that the honorable secretary would have the kindness to inform him as speedily as possible if the views set forth in his dispatch of the date of December 27, 1871, are the final and deliberate judgment of the executive power in this matter, as the undersigned in such case is under the necessity of referring the whole matter to the Secretary of State at Washington, for the action of the President of the United States of America, and desires to do so by the next mail.

The undersigned avails himself of this occasion to renew the assurances of high consideration with which he remains, &c.

S. A. HURLBUT.

[Inclosure No. 5.]

*Mr. Hurlbut to Mr. Zapata.*LEGATION OF THE UNITED STATES,
Bogota, January 3, 1872.

The undersigned, minister resident of the United States of America, begs leave to enquire of the Honorable Felipe Zapata, secretary of the interior and for foreign relations, what progress, if any, has been made in the prosecution of the captors of the steamer Montijo.

The honorable secretary is aware that several months have elapsed since instructions were forwarded under his direction by the attorney-general to the proper officers in the State of Panama, and the Government of the United States desires to know from official sources what steps, if any, have been taken.

The undersigned considers it his duty to inform the honorable secretary that a very great feeling exists in the United States in relation to the seizure of that steamer and the imprisonment of her officers and crew, and that both the people and the Government of the United States await with anxiety those processes of law by which the malefactors shall be punished and the dignity of both nations vindicated. By a dispatch recently received from the Secretary of State of the United States, the undersigned is instructed to call the attention of the Colombian government to this important affair, and to urge the necessity of vigorous prosecution, without any delay which can be avoided, to the point of conviction of the offenders.

The undersigned begs leave to state to the honorable secretary that he has explained to the honorable Secretary of State of the United States the difficulties which surround the prosecution of this case arising from the peculiar political and judicial system of the country, and which embarrass the action of the national government in the matter, and has also stated what he fully believes, that the executive power will to the extent of its means of action, and in good faith, endeavor to bring this matter fairly before the courts of the country.

The undersigned renews the assurances, &c.

S. A. HURLBUT.

[Inclosure No. 6.]

Mr. Zapata to Mr. Hurlbut.

BOGOTA, January 5, 1872.

The undersigned, secretary of the interior and for foreign relations, has the honor to answer the note which the Honorable General S. A. Hurlbut, minister resident of the United States of America, was kind enough to address to him on the 3d of the present month, with the object of inquiring into the state in which the prosecution against the captors of the steamer Montijo is found. The government of the union, as your excellency very justly believes, has made use of all its constitutional power to hasten the progress of said prosecution.

As soon as the attorney-general forwarded the proper documents to the officer of the same position in the State of Panama, that he might commence the proper preliminary examinations, this office urged the government of said State to use all means within its power to the end that the proceedings should be pushed forward with all the activity possible.

The same request was renewed on the 22d of November and 6th of December, and is repeated to-day, as before, with special charge to keep the federal government advised by each mail of the progress of said examination, in relation to which the only thing which can now with certainty be said is, that the documents above mentioned arrived in Panama in the beginning of October last, and that the proceedings were then about to be commenced. It is, however, expected that the next mail from the Atlantic, now soon to arrive, will bring more precise information upon the particulars, which will be at once transmitted to your excellency.

Your excellency may confidently repeat to your Government the assurance which you have already given, that the government of Colombia does not and will not spare any effort within the limits of its constitutional powers in order that in the shortest possible time the tribunals of the country may render a decision upon this question, a decision which the undersigned now assures your excellency will be controlled by the most rigid justice.

The undersigned reiterates to your excellency the assurances, &c.

FELIPE ZAPATA.

[Inclosure No. 7.]

Mr. Zapata to Mr. Hurlbut.

BOGOTA, January 5, 1872.

Mr. MINISTER: The President of the Union has considered with due attention your excellency's communication bearing date the 1st of January, and received the 3d, relating to the indemnity for losses and damages caused to the owners and crew of the steamer Montijo, and has commissioned the undersigned to reply in the terms which he now proceeds to use.

Your excellency does not accept the views entertained by this office in relation to the private nature of the offenses committed by the captors of said steamer, and insist that the government of Colombia is responsible for said losses and damages.

Your excellency thinks proper, in support of your opinion, to set forth the following arguments:

That the wrongs which gave origin to this claim are of a nature very distinct from that of robbery and theft committed by private criminals or simple malefactors.

That the actual laws of Colombia, or rather that the law of April 16, 1867, on public order, by a very strong implication, recognize the right of armed revolution, and by the fact of imposing upon the general government and its agents a strict neutrality, give sanction to the disturbances of public order in the States.

That so far as regards foreign nations, who only deal with the national government and cannot enter into relations with the governments of the several States, this want of authority to restrain revolutionary movements is equivalent to sanctioning them by the laws of the republic, and, as a necessary consequence, to the responsibility of the nation for the wrongful acts which may be committed during such disturbances.

That sovereignty has an inherent right and duty to protect its subjects and foreigners resident against the loss of liberty and property, this being an absolute attribute essential to sovereignty, the principal object for which it is given, and one of the chief ends and purposes for which government is instituted among men.

That the first duty of all governments is to maintain peace, public order, and the security of life, liberty, and property, and that they are responsible for neglect or failure so to do. That this is the case especially with a government, if, after having entered into the most precise and clear guarantees, in treaties, of such rights in relation to foreigners, it should voluntarily disarm itself, without the consent of the other party, of the very power which is absolutely necessary to fulfill its treaty obligations, and should place itself in the melancholy position of looking on with folded arms in a useless neutrality, while its own citizens execute acts in defiance of the guarantees given.

That the law of April 16, 1861, is of no value so far as relates to the rights and privileges of foreigners resident in the country, acquired by pre-existing treaties, and can in no manner relieve the national government from the full and faithful performance of the stipulations of such treaties.

Your excellency then, limiting yourself to the case of the Montijo, states that certain individuals, "*making use of this right of revolution,*" formed a conspiracy against the legitimate government of the State of Panama, and in the course of the same, by fraud and by force, seized upon this American steamer and imprisoned her officers and crew, using them and holding them for the fulfillment of their revolutionary purposes.

For the government of Colombia the private nature of an offense committed upon the seas against individual property or security consists in the fact of its being executed by persons who hold no commission nor public position (*oficio publico*) or duty, and who act as simple private persons.

To estimate the true character of the capture of the Montijo the executive power has considered no other documents than those supplied by your excellency and annexed to your note of the 5th of August last. From these documents there result in substance—

That the vessel in question was captured on the 6th of April, 1871, by Thomas Herrera, Domingo, Diaz, and certain other individuals, whom Captain Saunders, of the Montijo, had received on board in the port of David in the character of passengers. That after having taken possession of the ship they held her in their power and made use of her until public order was restored in the State of Panama, meanwhile keeping the officers and crew on board, and compelling them to work the ship according to the will of the captors.

The fact of capture of the vessel took place before its authors had disavowed the authority of the government of the State of Panama and taken up arms against it.

"Neither Thomas Herrera, nor any other persons," says the deposition of John Schuber, "had established or proclaimed any form of provisional government until after the taking of David, and not before."

"The taking of the city of David took place on the 7th day of April. Neither Herrera, nor Diaz, nor any other person proclaimed himself as a revolutionist, or in arms against the government of Panama, until after the Montijo was captured."—(Deposition of Hannah E. Saunders.)

It results, then, that Herrera and his accomplices at the time of seizure of the Montijo acted solely as private individuals, since at that time they had not taken arms against the State government, and could not be considered as belligerents in civil war or revolutionists.

The undersigned cannot find in this offense a single circumstance which can give it that public character which your excellency assigns in the dispatch of the 1st instant. The jurisdiction of the waters in which the ship was captured by individuals received on board as passengers, without suspicion of hostile intent, belongs exclusively to the federal government.

If after the crime was committed, and by advantages thereby gained, its authors made a revolution against the sectional government of Panama, can that circumstance change the nature of the offense previously committed in another jurisdiction?

It is certain that the law of public order, cited by your excellency, imposes upon the federal government the duty of preserving neutrality in the domestic struggles within the States, but it can by no means be understood that the law or the government recognize in such revolutionists of a State the power of exercising belligerent rights in a territory subject to the national jurisdiction.

Whatever may have been the character of the revolution headed by Thomas Herrera, his acts performed in the waters of the nation can be considered in no other light than personal acts, for which he and his accomplices are responsible before the judicial power of the nation.

Where your excellency can find nothing but an act of a public character, to which the law of 16th April, 1867, has given origin, the undersigned perceives two acts entirely distinct.

Certain passengers on a foreign ship, engaged in legitimate commerce, by wrongful use of force take possession of her in Colombian waters, deprive the owner and crew of their liberty, and, doing violence to their persons, navigate in open sea in the captured ship. This is a most serious crime against the law of this country and international law, a crime the punishment of which appertains to the federal authority. The same individuals afterward employ the captured ship to make a revolution against the government of Panama, which was ended by agreement between the contending parties. This is another act purely local, which may be tolerated by the law of public order, but in nothing changes the character of the crime committed against the persons or property of American citizens.

Can the fact that the captors of the Montijo afterwards carried on a political movement in the State of Panama in any way alter the nature of the violent acts by them previously committed?

A similar case to that of the Montijo, which occurred in Chili at the end of 1851, may serve to illustrate the difference which exists between violent acts committed upon the sea against persons and property of foreigners, and the failure to protect the same on account of mutinies or popular revolts.

In the course of a revolution headed by General Cruz, a government official who commanded the garrison of Punta Arenas, led off the force into insurrection, and violently took possession of two foreign ships, one American, the Florida, the other English, the Eliza Cornish—although these ships had been taken for the service of the insurrection, the Admiral Moresby, commanding the British naval station, recaptured the ships, and delivered the original captors to the authorities of Chili.

These facts having come before the English admiralty, for the purpose of obtaining a certificate to reclaim prize-money, Dr. Lushington, judge of this high tribunal, decided among other things the following principles in his masterly decision:

That the acts relating to the capture of the ships aforesaid ought to be considered piratical, and in no manner connected with insurrection or rebellion.

That although the acts were not committed on the high seas, the court of admiralty considers that the possession of such vessels on the sea, by the same individuals who had seized them, was a piratical possession, and the having navigated with them on the high sea an act of piracy.

That from the power which insurgents or rebels of a country might possess, of committing acts of hostility against their own government, it does not follow that they cannot commit piratical acts against the subjects of other countries.

And finally, that acts of piracy constitute pirates without its being necessary to examine if the individuals who commit such acts intended to do so indiscriminately.

The capture of the Florida and the Eliza Cornish was not performed by simple individuals received on board as passengers, but by the forces of a revolution which held authority from the chiefs of the insurrection, and notwithstanding such capture was held to be piratical, and the undersigned has no knowledge that any responsibility was ever sought to be charged upon the government of Chili for such acts.

Your excellency has considered that the captors of the Montijo were a party of pirates, and the Government of the United States of America requests that they may be punished as such. The undersigned cannot decide what was the crime committed, inasmuch as that is the exclusive attribute of the judicial power. But in considering

the last reclamation made by your excellency, it was imperative to take into consideration the one first made, in order to reconcile the terms of both; for, if the captors of the Montijo were pirates, as the Government you so worthily represent believes them to be, their acts have no public character, and are mere common crimes.

The undersigned does not believe that any nation can be held responsible for piracies committed by its subjects, or committed within its waters, when it has neither encouraged them nor made itself culpable by tolerating the offense. If the Montijo was captured by pirates, the duty of the nation is to punish them with all rigor for their crimes, and, so far as relates to the captured property, the tenth article of the treaty with the United States determines what ought to be done in such cases. It says, (Article 10, treaty of 1848:) "The executive power has not understood the 'law of public order,' in such manner that he could permit a failure of protection necessary to the security of foreigners in domestic struggles. Thus, when notice was received of the Panama revolution, the commander of the national forces stationed in Panama was ordered to give due protection to the persons and property there situate, under the guarantee of public treaties, giving efficacy to the liberty of neutral strangers, and respect to their property. The Montijo could not have been captured and returned immediately to her owners, for your excellency knows that the nation has no marine force, and it cannot be asked that equal security be given on sea as on land, and it is for this reason that crimes committed against the security of ships and their crews are considered so much more serious, because it is more difficult to give them effective protection."

Now as to the treaty by which the revolution of Panama terminated, and which your excellency mentions to show that the government of Panama conceded by its complete amnesty for all the acts executed during the disturbance of public order and assumed the responsibility of the damages caused, the undersigned is bound to state that such treaty cannot have and does not have any effect whatever, except in regard to those matters within the jurisdiction of the state, and is wholly ineffective so far as refers to matters within the jurisdiction of the federal government as are crimes committed within the waters of the nation. The opinions expressed in the present note, and in the one which the undersigned had the honor to direct to your excellency on the 27th day of December last, express the determination of the executive power in relation to this reclamation, and as your excellency announces that if this republic insists upon such decision, you must submit the matter to the consideration of your government.

The President of the Union has sent proper instructions to the representative of the nation at Washington, to the end that if the Cabinet at Washington shall judge it convenient so to do, the affair may be further discussed in that city.

With sentiments, &c.

FELIPE ZAPATA.

Inclosure No. 8.]

Law in relation to public order.

ARTICLE 1. When in any of the States any portion whatever of the citizens shall rise, with the object of overthrowing the existing government and organizing another, the government of the Union is bound to observe the most strict neutrality between the belligerent parties.

ARTICLE 2. During the continuance of civil war in any State, the government of the Union shall maintain relations with the constitutional government until its authority shall cease to be acknowledged in the entire territory, and shall recognize the new government and enter into official relations with it as soon as it shall have been organized, in accordance with the first paragraph of the eighth article of the constitution.

ARTICLE 3. All laws and parts of laws conflicting with the present are hereby repealed.

Approved, &c., &c., April 16, 1867.

True translation:

S. A. HURLBUT.

No. 94.

Mr. Hurlbut to Mr. Fish.

No. 74.]

LEGATION OF THE UNITED STATES,
Bogota, January 16, 1872. (Received March 2.)

SIR: I inclose copy of my final note to Señor Zapata of the 9th instant. To this I have received a reply stating that instructions have

been forwarded to Señor Perez for the conduct of the matter at Washington. I hardly see what more is left to be argued. There is a demand and a refusal, and one party or the other must yield. I venture to express the wish that the final decision of this matter may be communicated through me to the Colombian government, as it was commenced by me.

Yours, &c.,

S. A. HURLBUT.

[Inclosure.]

Mr. Hurlbut to Mr. Zapata,

LEGATION OF THE UNITED STATES,
Bogota, January 9, 1872.

The undersigned acknowledges the receipt of the two notes of the honorable secretary of the interior and for foreign relations, bearing date of the 5th day of January, 1872.

He has forwarded the entire correspondence on the subject of the pecuniary damages to the Secretary of State of the United States, for such final action as may be deemed advisable. Although the transaction is now out of the hands of the undersigned, and in the control of superior authority, he deems it proper to reply to the note of the 5th of January, that his silence may not be accepted as an agreement with the positions therein stated.

The principal point of difference between the undersigned and the honorable secretary appears to be as to the character borne by Herrera and others at the time of the capture of the Montijo. The honorable secretary seems to be of opinion that these parties did not assume the character of revolutionists until the proclamation of the provisional government. In other words, he seems to think that it is the *declaration* of the parties, not their *acts*, which constitutes them in revolution. If the doctrine laid down by the honorable secretary is true, that the capture of the Montijo was not a revolutionary act, because no revolution had been proclaimed, then the capture of the city of David, which equally took place before the proclamation, was not a revolutionary act.

The purpose and intent of all acts are properly derived from the acts themselves, which are more expressive and more honest than declarations.

Does the honorable secretary or any one else for a moment believe that the persons who captured the Montijo would have done so, except for the purposes of a revolution in which this ship was to be an instrument? Does the honorable secretary believe that men of the intelligence and social position of the leaders of this insurrection would have ventured upon the dangerous experiment of violating the American flag if they had not believed themselves "belligerents" and protected under the law of "public order" as such?

It is of no consequence whether that belief was well founded or not. No man can doubt that such was the belief of the capturing party. This ship was perfectly known to be navigating these waters under contract with the government of Panama, by which contract that government had the right to use her services if necessary for such purposes as they pleased.

Thus the capture of the ship was piratical as regards the United States of America, criminal as regards the United States of Colombia, but simply a belligerent act as regards the State of Panama, under the law of April 16, 1867.

It was a skillful strategic movement on the part of the revolutionists by which they not only obtained the control of the ship for warlike purposes, but at the same time deprived the constitutional government of Panama of a powerful instrument of offense and defense which they were lawfully entitled to use. In the highest point of view it was a belligerent act as regards the State of Panama.

The honorable secretary thinks he perceives an irreconcilable contradiction between the two demands made by the United States.

The undersigned has great pleasure in referring the honorable secretary to the decision of the venerable Dr. Lushington, quoted by him, that it is entirely possible for parties to be at the same time and in the acts "rebels against their own government and pirates as against foreign subjects." The one crime by no means excludes the other; on the contrary, one is the consequence of the other. Rebellion against constituted authority nearly always brings these kindred crimes in the train of evils, and those who defy the legitimate authority of their own state or nation are not likely to respect the rights of foreign subjects, or of a foreign nation, especially when the property of such foreigners can be eminently useful in the prosecution of their insurrectionary movement.

The undersigned is not prepared to admit or deny the principle laid down by the honorable secretary, that in all local revolutions the navigable waters of the country as exclusively of national jurisdiction must be respected by the revolutionists. His information is that such has not been the case in past times, nor can he see in the law of April 15, 1867, any such limitation.

The failure to recapture the Montijo for two months while she was thus navigating these waters of "exclusive national jurisdiction," and almost in sight of the national forces in Panama, is sought to be excused by the honorable secretary by the want of "marine force." The undersigned fully believes that a firm and peremptory demand by the national authorities upon the revolutionists for the surrender of the ship would have been respected and obeyed by them. No such demand was made, nor can the undersigned consider for a moment as valid the excuse of want of force. A nation is bound to have force enough to vindicate its authority and to preserve public order.

The undersigned cannot resist the conclusion that the revolutionists themselves, the government of Panama, and the agents of the federal government in that State, all considered the Herrera party as acting in the whole matter in the exercise of a "right of revolution," which gave them the character of belligerents under the laws of Colombia. In no other way can the undersigned account for the remarkable inactivity of the agents of the federal government during this long period of time, and for the singular fact, that, although this capture took place early in April, 1871, no action was taken by the general government for the prosecution of the criminals until after the demand made by the Government of the United States, through the undersigned, on the 5th of August, 1871.

The undersigned is well aware that the questions raised in this case are likely to give rise to very important discussions of principles which ought to be definitely settled; and it is for this reason, and from his anxious desire that all causes of discord may be eliminated, that he has written the present dispatch, although the subject-matter has been removed from his personal control.

He begs the honorable secretary to believe that in this he is actuated by the highest feelings of regard to the genuine prosperity and proper position of the United States of Colombia. He finds from the examination of the archives of his legation that almost the only source of controversy between the two republics has been for injuries suffered by American citizens in these disturbances of peace and public order, either local to the States or general to the nation. He believes that the archives of his colleagues of the diplomatic corps will show a similar state of things.

If, then, the discussion of this affair shall tend to the establishment of such principles and the enactment of such laws as may remove this element of discord from the intercourse between the two republics, more clearly define the rights of the citizens of either, and more promptly and effectually punish all invasion of such rights, the undersigned will feel that a great good has been accomplished, and that the feelings of amity which have hitherto existed between the nations will prevail also among their respective citizens and show themselves in the cordial and respectful recognition of mutual rights.

With, &c.,

S. A. HURLBUT.

No. 95.

Mr. Hurlbut to Mr. Fish.

No. 76.]

LEGATION OF THE UNITED STATES,
Bogota, February 7, 1872. (Received March 22.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 55. The demand for pecuniary damages in the case of the Montijo having been expressly declined by the government of Colombia, and the whole matter remitted by me to the Department of State in my dispatch No. 73, there is no negotiation pending in this legation in reference to the question of damages.

On the 3d of this month I received a communication from Señor Zapata, informing me that the judge of first instance in Panama charged with the criminal examination against Herrera and Diaz had issued a supersedeas "*auto de sobreesimiento*," the effect of which, as I understand it, is to stay all proceedings in the matter. From this

decision an appeal has been taken to the supreme court now in session, and we are now awaiting its decision. I am not yet informed of the grounds on which the court below stopped the proceedings, and have not taken any special pains to inquire, as the government is fully informed of our views and has repeatedly pledged itself to vigorous prosecution.

I am, &c.,

S. A. HURLBUT.

No. 96.

Mr. Fish to Mr. Hurlbut.

[Extract.]

No. 59.]

DEPARTMENT OF STATE,
Washington, February 20, 1872.

SIR: Your dispatch No. 73, of the 6th ultimo, relative to the case of the steamer Montijo, has been received. The course of that government seems to show a disposition on its part to deny that justice which we have a right to expect. There does not appear to have been any attempt to prosecute the offenders for the piratical seizure of that vessel. Though that act may have been the initiatory step in the insurrection, the seizure was made for the purpose of obtaining an instrument to carry it into effect, and the Colombian government, by ultimately compounding with the felons, may be assumed to have adopted and to have made itself accountable for their acts so far as these may have done injury to the persons and property of citizens of the United States. Reparation must be sought in some direction. * * * * *

I am, &c.,

HAMILTON FISH.

No. 97.

Mr. Fish to Mr. Hurlbut.

No. 60.]

DEPARTMENT OF STATE,
Washington, February 26, 1872.

SIR: Upon further consideration of the case of the Montijo in connection with your dispatch No. 73, it has occurred to me that it might be advisable, before determining upon the course which this Government ought to adopt in view of the denial of its accountability by the government of Colombia, to give that government an opportunity to review its determination.

You will consequently inform that government of this disposition on our part; that we have no interest in being at variance with Colombia, no feeling other than a friendly one for her, but that we cannot forego the duty of requiring her, as an independent power, to discharge her obligations as such to the United States and their citizens.

I am, &c.,

HAMILTON FISH.

No. 98.

Mr. Fish to Mr. Hurlbut.

No. 62.]

DEPARTMENT OF STATE,
Washington, March 5, 1872.

SIR: I have to acknowledge the receipt of your dispatch, No. 74, of the 16th of January last, inclosing your reply to Señor Zapata's notes of the 5th of that month, on the subject of the Montijo case. On the 26th ultimo I addressed you an instruction (No. 60) upon this subject. I have now to inform you that a few days since Mr. Perez called on me saying that he was instructed to inquire whether the United States Government are willing to continue the discussion of the Montijo question here in Washington.

I replied in the negative, unless the Colombian government were prepared to make a proposal for a settlement sufficiently comprehensive to include an apology or atonement for the act, and indemnification to private owners, but that we do not desire to transfer the discussion from Bogota to Washington. I told Mr. Perez you had received a reply from the Colombian government, which assumed to be final, but was wholly unsatisfactory to this Government. I added, that before resorting to such proceedings as may ultimately become necessary, you are instructed to ask a reconsideration, by the Colombian government, of its last communication.

Mr. Perez expressed satisfaction that an opportunity is given to reconsider the question, and said that the time is favorable, as the Colombian congress is now in session. He asked what course this Government would pursue in case there be no change of position on the part of Colombia. I said that I was not prepared at that time to answer this question fully, but intimated as one thing that might probably become necessary, notice on our part to terminate the treaty which guarantees the isthmus, and said that it was not expedient at present to discuss what other measures we might be obliged to adopt.

I am, &c.,

HAMILTON FISH.

No. 99.

*Mr. Hurlbut to Mr. Fish.*NEW YORK,
May 4, 1872. (Received May 6.)

SIR: On arriving at Aspinwall I found the steamer *Virginus* still blockaded by the Spanish man-of-war *Pizarro*.

Bourne, the captain of the *Virginus*, applied to me for protection. Correo, the President of Panama, also informed me that the neutrality of Colombian waters was threatened, and applied, both in capacity of President of the State and agent of the national government, for aid, in case it should be required. On investigation I can find no offense provable against the steamer, other than running the blockade to Cuba from Venezuela.

Both Colombia and Venezuela have recognized the Cubans as belligerents.

The United States ship of war *Kansas* arrived at Aspinwall shortly before my departure, and I considered it my duty, on consultation with Consul Perry, to request the commanding officer of that ship to await the arrival of the mail-steamer from New York, due 25th or 26th April, and in case no other instructions should come by her, or by the *Wyoming*, to convey the *Virginus* to sea, out of reach of the blockading-vessel. That communication, in writing, I had not time to copy for the Department before my departure, but requested Mr. Perry to send it forward. I presume a copy has been forwarded to the Navy Department by Captain White.

I do not believe the Spaniard will attempt violence under the guns of the *Kansas*. If he does, he ought to be punished; and I have no doubt he will be.

It appeared to me to be a plain duty to address the official request which I did to Captain White of the *Kansas*, and I think he will be governed by it.

I am, &c.,

S. A. HURLBUT,
United States Minister.

No. 100.

Mr. Hurlbut to Mr. Fish.

BELVIDERE, ILLINOIS,
May 25, 1872. (Received May 29.)

SIR: I have the honor to forward a copy of my communication on the subject of the *Virginus*, addressed to Captain Edwin White, of the United States ship *Kansas*, in Aspinwall.

I am informed, by a letter from Mr. Perry, United States consul, that the *Virginus* went to sea on the 26th May, escorted by the *Kansas*, and followed out at a safe distance by the Spanish man-of-war *Pizarro*.

* * * * *

Mr. Perry has probably reported in full to the Department.

I earnestly hope that Congress may give the Navy ships enough to answer our pressing necessities.

I am, &c.,

S. A. HURLBUT.

[Inclosure.]

Mr. Hurlbut to Mr. White.

COLON, April 23, 1872.

SIR: The *Virginus*, an American merchant-steamer, lies in this port nearly ready for sea. It is understood that the Spanish man-of-war *Pizarro* is watching her, and her commander is believed to have orders to detain her in this port or capture her in case of departure.

I have endeavored to ascertain definitely the offenses alleged to have been committed by the *Virginus*. The only tangible matter capable of proof appears to be that she ran the blockade of Cuba with an armed party of Cuban revolutionists, and a cargo of

munitions proceeding from some port in Venezuela, and making a landing in the eastern department of Cuba. This was during the past year.

The law, as I understand it, is, that although the ship during such voyage was liable to capture, and could not and would not be reclaimed by the United States, that such liability ceases when the unlawful voyage has been completed, and that no taint attaches to the ship which will in any way justify forcible seizure and detention by Spanish cruisers.

In this state of affairs, if the ship presents herself in a neutral port, with her papers in regular form, it cannot be permitted that she should be captured in such neutral waters nor upon the high seas for a past act of blockade-running. Especially is this to be considered the rule in the waters of the Isthmus, for by treaty between Colombia and the United States we "guarantee the neutrality of the Isthmus and the sovereignty of Colombia over it," and Colombia more than a year since acknowledged the Cuban revolutionists as belligerents.

It is expected by Mr. Perry, United States consul in this place, that instructions will reach him by the next mail, on this question, or perhaps earlier by the Wyoming. Those instructions, if received, will remove all difficulty. If, however, they should not arrive before your departure, it appears to me to be your duty, if I may be permitted so to say, to see the *Virginus* clear of possible interruption from the Pizarro, her papers being of course in complete order.

I do not hesitate to say that the fact of the long detention of this steamer in Colombian waters under surveillance of the Spanish navy has injured our national reputation.

I do not admit it to be an offense against the neutrality laws of the United States to charter a steamer for the purpose named, from Venezuela to Cuba; it certainly is not an offense for which Spain is entitled to capture the steamer except in the act. Nor is an American to be forcibly detained in neutral friendly waters upon any mere suspicion. When she is ready for sea, cleared in proper form, she is entitled to the protection of the Navy from insult or force.

For these reasons, in case no instructions arrive by the New York steamer, nor by the Wyoming, from superior authority, I request you, as the senior officer of the Navy present, to see that the *Virginus* is not subjected to any unlawful exercise of force on the part of the Pizarro. At the same time I recommend both to yourself and Mr. Perry that she be not permitted to leave this port until after the arrival at least of the New York steamer. The commandant of the Pizarro states to me in a note that the Spanish government has requested of the United States to send this steamer home for trial before our courts, a request which will undoubtedly have been granted if any basis has been shown for the request, and the answer to which, if such request has been made, must be due by the next arrival from New York.

As the captain of the *Virginus* has appealed to me for protection, I feel compelled to give you my views as above, and to place the affair where it properly belongs, in the hands of that service whose paramount duty is the protection of American commerce.

I have, &c.,

STEPHEN A. HURLBUT,
Minister Resident United States of America.

COSTA RICA.

No. 101.

Mr. Blair to Mr. Fish.

No. 103.] LEGATION OF THE UNITED STATES,
San José, Costa Rica, October 10, 1871. (Received Nov. 16.)

SIR: By virtue of a decree of the President, an election has been held for deputies to form a constituent assembly. But very little interest was manifested in the result. Several of the deputies, I am informed, received only two or three votes each. Those opposed to the government took no part whatever in the election. They say that they cannot support the government, and to do anything against the policy of the

government would result in their banishment from the country. I regret to say that a majority of the solid men of the country are of this number. I know of several who will leave the country in the spring, and settle in California.

The country at present is tranquil, and I think will remain so for some time to come, as the government has the confidence of the officers of the army, who set up and knock down presidents at pleasure. The constituent assembly meets on the 15th of this month. The object for which it is called does not seem to be clearly defined. It is probable, however, that it will authorize the President to negotiate a new loan for railroad purposes, and perhaps form a new constitution.

I have, &c.,

JACOB B. BLAIR.

No. 102.

Mr. Blair to Mr. Fish.

No. 120.]

LEGATION OF THE UNITED STATES,

San José, Costa Rica, February 13, 1872. (Received March 2.)

SIR: The constituent assembly, elected some time since to form a constitution for Costa Rica, having finished its labors, has adjourned.

It is difficult to see in what essential particular the new differs from the old constitution. It is true that the term of the president is fixed in the former at four instead of three years, as in the latter.

This change, however, cannot be regarded as of much importance, in view of the fact that Costa Rica has had no less than four Presidents in the last four years. According to the provisions of the new constitution, on the first day of the coming month, (March,) electors, whose duty it will be to meet on the first Sunday in April next, and choose a President, are to be elected.

It is as well known now that President Guardia will be his own successor as it will be on the first Sunday in April next. Nothing but his death or a revolution can or will change the result.

As life is always uncertain, the former might occur; the present situation of things forbids the idea that the latter can take place.

President Guardia has, I believe, the entire confidence of the chief officers of the military of the country, and the chief officers of the military of the country will take care that the people have President Guardia as their next President.

The fact is, that those who are supposed to be against the policy of the present government are watched by day and by night; every word they utter, however trivial, every act, however unimportant, is communicated at once to the President, and the alleged offender must make satisfactory explanation, or be banished the country. This, I presume, has always been more or less the rule in all the Central and South American states. It is thought, however, by a good many people here, that the rule is a little more stringent under the present government than ever before in Costa Rica. Be that as it may, this state of things, in connection with the general policy of the government, has disgusted to such an extent some of the most intelligent and wealthy citizens of the country that they have sold their property, and will, in April next, take up their residence in the State of California, and become perma-

ment citizens of the United States. They, with their families, number between fifty and sixty persons, and represent over \$1,000,000 capital.

I have, &c.,

JACOB B. BLAIR.

No. 103.

Mr. Blair to Mr. Fish.

No. 122.] LEGATION OF THE UNITED STATES,
San José, Costa Rica, February 23, 1872. (Received April 2.)

SIR: In an interview I had with President Guardia, on yesterday, he informed me of the object of his late visits to the republic of Nicaragua.

It appears that some English capitalists have made a proposition to the government of Nicaragua to construct an interoceanic canal across that country, and inasmuch as a part of the territory of Costa Rica will have to be used in the event of its construction, the President of Costa Rica was invited by the President of Nicaragua to a conference on the subject.

President Guardia informed me that both governments were fully convinced of the practicability of the enterprise, agreed as to its necessity, would co-operate to secure its accomplishment, and that immediate action would be taken to insure the inauguration of this work at the earliest possible period.

The President appeared very anxious that the Government of the United States should undertake the work, for, said he, it should be an American enterprise. After my interview with President Guardia, I had a short interview with Mr. Montufar, secretary of foreign relations. He also referred to the proposed canal, and informed me that his government would, by the first post, write to the Government of the United States, and invoke its serious and immediate attention to the matter. He also expressed a wish that I would, without delay, urge my Government to take immediate action to secure the right to construct said canal. I promised him to do so, and reminded him that my Government had always taken a deep interest in the project of connecting the Atlantic and Pacific Oceans by means of a canal, and that his government might rest assured that the Government of the United States would most gladly receive and seriously consider anything his government might feel disposed to suggest relative to such an undertaking.

That this great work, when commenced, should be an American enterprise, it seems to me is manifest. That the time is near at hand, if it is not already come, when to delay longer its inauguration would be unwise if not criminal, is equally clear. I would, therefore, most respectfully urge upon the Department to take such action in the premises as may be found necessary to secure the right to construct this work to the Government of the United States or its citizens.

I have, &c.,

JACOB B. BLAIR.

No. 104.

Mr. Fish to Mr. Blair.

No. 77.]

DEPARTMENT OF STATE,
Washington, April 3, 1872.

SIR: Your dispatch, No. 122, of the 23d of February last, relative to a proposed interoceanic canal through Nicaragua, has been received. This Government has for years past, and especially since the acquisition of California, taken much interest in communications between the Atlantic and Pacific by means of railways and canals, and has incurred expense in preliminary surveys for such works. The question of the practicability of any of them at a reasonable cost has by no means been definitively settled. There is also more or less uncertainty as to which route may be the preferable, especially for a canal.

With a view to adjust differences of opinion on these matters, this Government has recently organized a board of engineers and other men eminent in science. The surveys for the different proposed interoceanic canals, and other documents relative to them, are to be laid before this board for consideration, with a view to decide upon the most eligible route and scheme. Before this decision shall have been made, it would be premature to decide whether we would aid further in such an enterprise, in what way, or to what extent.

I am, &c.,

HAMILTON FISH.

No. 105.

Mr. Blair to Mr. Fish.

No. 126.]

LEGATION OF THE UNITED STATES,
San José, Costa Rica, April 14, 1872. (Received May 4.)

SIR: Referring to my dispatch, No. 120, of the 13th of February last, I desire to state, in the same connection, that the electors to choose a President convened on the 7th of this month, and elected General Thomas Guardia President of this republic, to serve as such for four years from the 8th day of May next.

The day passed off quietly; no one appeared to take or feel any interest in what was being done, save the electors and the chiefs of the military of the country.

I have, &c.,

JACOB R. BLAIR.

11 F R

ECUADOR.

No. 106.

Mr. Wing to Mr. Fish.

[Extract.]

No. 144.]

UNITED STATES LEGATION,
Quito, Ecuador, September 25, 1871. (Received Nov. 16.)

SIR: Per this mail I have the honor to forward to the Department the report of the Honorable Señor José Javier Eguiguren, minister of finance to the Ecuadorian Congress.

It presents on the whole a very favorable statement of the material condition and promise of Ecuador. The description of the roads in progress of construction by our countrymen, and the custom receipts, augur well for the future.

The best wagon-roads in Spanish America exist to-day in interior Ecuador, and in these Andean ranges these roads really conduce more to the general good of the people, and the development of commerce and internal improvements, than the most costly rail-line that can be built among their rugged spurs.

Not the least interesting item in the report is that relative to the payments made during the past five years to the owners of manumitted slaves.

I also find an itemized statement of the debt due to American creditors, from which it will appear that this Government never for a moment presumed that the dividends carried interest.

* * * * *

Within the last few weeks a large amount of American silver has been introduced, and its circulation will eventually become very general.

The recent withdrawal of the Colombian money from circulation, under an executive decree, has been the primal cause of the advent of the old American silver half-dollar, dime, and half-dime in considerable quantities. Of course they are rated as "hard" currency, as contradistinguished from the "soft" or Ecuadorian currency proper, and command a handsome premium.

I also meet of late with the American eagle and half and quarter eagle quite frequently. These facts are suggestive, and serve in part to evince the tendency of the drift of feeling not only among the people, but also with the Government.

* * * * *

I have, &c.,

RUMSEY WING.

No. 107.

Mr. Wing to Mr. Fish.

[Extract.]

No. 146.]

UNITED STATES LEGATION,
Quito, Ecuador, October 3, 1871. (Received Nov. 16.)

SIR: I forward as accompaniment 1, herewith, a copy of a law lately passed by the local Congress of the State of Cauca, in Colombia, of

which General Tomas C. de Mosquera is President. No. 2 is a translation thereof. No. 3 is the editorial comment of *El bien Publico*, of Bogota, upon this scheme, which, it will be observed, is distinctly charged to have been devised in order that the State of Cauca, (intensely devoted to the fortunes of General Mosquera,) may manage eventually to wage war upon Ecuador, because of the letter addressed last year to General Mosquera by President Moreno, and concerning the results of which I have hitherto fully advised the Department. If this charge should be borne out by future occurrences, it will realize the soundness of my apprehensions that, no matter with what apparent adjustment the question as between the two countries might be salved over, there still existed great danger of ultimate complications, unless the personal issue between the two distinguished principals could be in some wise satisfactorily accommodated.

In my dispatch, No. 130, I stated in general terms the result of the correspondence on this subject between this Government and the Colombian minister, and the apparent status of affairs as pertaining thereto.

Since then I have learned that the cabinet at Bogota had approved the action and utterances of General Trafillo without adding further instructions. Likewise the government here has never replied to the final note of General Trafillo, forwarded with my dispatch 130, though there are those who think that such reply will be made after the adjournment of Congress.

If so, of course the subject will be reopened, with possibly evil consequences. If not, however, then I believe that the question as between the two governments will remain in *statu quo* without peril of future outbreak as between them.

The Colombian minister, (General Trafillo,) who has conducted the correspondence upon the part of Colombia, has, however, at last, after a second or third tender, had his resignation accepted, and will soon be replaced by a successor.

I cannot but regret the change at this time, for to his discretion, the personal esteem in which he is held, his self-command and conciliatory deportment is due in part the fact that this correspondence did not lead to a collision.

General Trafillo has undoubtedly lost the election for the presidency of Colombia, and Dr. Murillo will as certainly be the incumbent of the executive office.

From what I can learn of Colombian politics, Dr. Murillo's election is a triumph for the party now represented by General Salgar, President of the republic.

This, then, perpetuates the power of a party inimical to General Mosquera, and wanting confidence in his future designs upon the central government.

Hence, from this fact, I adduce some hope that even if disposed to make war upon Ecuador, the federal authorities, out of fears for their own ultimate security, would interpose their objection and action against the organization and equipment of any army in Cauca subject to the command of General Mosquera.

Should the Department deem it incumbent upon me to make tender of my good offices in arranging this personal issue, I shall of course have pleasure in obeying. But, at the same time, I shall not do so otherwise, without a direct appeal from the interested parties.

Candidly speaking, I may say that I believe this personal issue could

be honorably and satisfactorily arranged, with the exercise of great delicacy and discretion.

I do not feel at liberty, however, in this matter, to press my interposition upon the distinguished gentlemen involved, despite the fact that both have evinced great personal respect for and confidence in me, unless hereafter directly requested to do so.

I have, &c.,

RUMSEY WING.

[Inclosure 2 in No. 146.—Translation.]

STATE OF CUACA.

The Official Gazette of Popayan publishes the following law on the sovereignty and jurisdiction of the State:

The sovereign people of Cuaca, and in their name, the State legislature, decrees:

ARTICLE 1. The sovereignty and jurisdiction of the State is extended to all places, as comprehended within the limits determined by Article 1 of the constitution of the Colombian Union, and within those it possessed at the time of the sanction of the same constitution, according to the laws of the 11th of May and the 9th of June, 1855, the 14th of May and the 15th of June, 1857, issued by the national congress.

ARTICLE 2. In all those affairs that were not delegated to the federal government, as especially and clearly expressed by Article 16 of the national constitution, the State will continue in the use of its competency and jurisdiction. And in it no authority of the federal government will be recognized as regards the modification or alteration of the laws, that are solely for the cognizance of the State.

ARTICLE 3. It is the duty of the State government to see that the State is not divided, and also to protect its citizens in the exercise of the rights they may have acquired in any part of the territory.

ARTICLE 4. When the government may have to enter an action or sustain any claim, before other authorities than those of the State, for attacks upon its sovereignty, jurisdiction, or property, the executive power will name counsel, who will be charged with the defense of the rights attacked, giving him the necessary instructions.

ARTICLE 5. The rights of the State do not lapse for less than one hundred years, and when it is discovered that a person unlawfully possesses property or articles of value of the State, it will be the duty of those public agents that know it to inform the executive power, in order that they may be claimed.

Those who, introducing themselves into the territory of the State or its districts, usurp the roads and public ways, will be obliged, by the political or municipal authority of the place where the usurpation is denounced, to make a restitution to the usurper, they remaining after this restitution discharged, in order to take the necessary steps toward commencing an action for the corresponding claim before the competent authority.

ARTICLE 6. It is the duty of all the inhabitants of Cuaca to defend and sustain the sovereignty of the State, and those who should fail to do so will incur the penalties fixed by the existing laws.

ARTICLE 7. The public functionaries of the State will not be allowed to receive any employment from the federal government. Those who should do so will be compelled to vacate the offices which they are exercising.

ARTICLE 8. It is the duty of the President of the State to maintain the militia in a high state of organization, to be able to fulfill, should the case arrive, the obligation of which Article 26 of the federal constitution treats.

ARTICLE 9. Laws 24 and 68, and articles 4 and 5 of law 226, are abolished.

Given in Popayan the 28th of July, 1871.

MATIAS GALVEZ, *President.*
J. M. CONEA, *Deputy Secretary.*

No. 108.

Mr. Wing to Mr. Fish.

No. 151.]

UNITED STATES LEGATION,
Quito, Ecuador, October 17, 1871. (Received Nov. 16.)

SIR: I have the honor to forward to the Department copies (1 and 2)

of a communication from the American vice-consul at Guayaquil, and an affidavit of Dr. L. D. Wilson, an American citizen. I have delayed forwarding these articles before, in order to give the Ecuadorian government an opportunity of explaining the affair.

I am informed that the arrest of Dr. Wilson was a mistake, arising from the fact that he was mistaken for his servant by the officer who arrested him, and that he was released so soon as the matter was brought to official notice. I must say that Dr. Wilson's statement embodies a very flagrant case of outrage upon private rights.

In view of the premises, I submit the matter to the consideration of the Department, and await its instructions as to what course I must pursue.

I have, &c.,

RUMSEY WING.

[Inclosure 1 in No. 151.]

Mr. Bragdon to Mr. Wing.

CONSULATE OF THE UNITED STATES,
Guayaquil, August 30, 1871.

SIR: I have the honor to forward to you a deposition, sworn to in my presence by Dr. L. D. Wilson, for false imprisonment in this city.

It appears that said Mr. L. D. Wilson desires to make a claim on the Ecuadorian government of \$10,000 for said imprisonment.

I have, &c.,

GEO. P. BRAGDON.

[Inclosure 2 in No. 151.]

CONSULATE OF THE UNITED STATES,
Guayaquil, August 24, 1871.

L. D. Wilson, being duly sworn, deposeth and saith: That this deponent is a citizen of the United States of America; that he is practicing his profession of dentist in the city of Guayaquil, Ecuador; that on the 22d day of July, A. D. 1871, this deponent sent his servant, Tristan Espinoza, to change \$500 paper money into silver; that said Tristan Espinoza not returning at 6 p. m., this deponent went in search of him at 8.30 p. m.; that this deponent then notified the chief of police, in the presence of the guard on duty, of the absence of said Tristan Espinoza, and demanded his arrest, and thereupon the chief of police ordered the arrest of said Espinoza; and that this deponent also employed Manuel Cheoez and José Maria Gonzales, boatmen, to search for said Espinoza; that José Maria Gonzales came to this deponent and informed him that said Espinoza was in the house of Mr. Morla, in company with a disreputable woman; that this deponent called upon Manuel Venegas to accompany him to find a policeman; that this deponent found patrolman Adolfo Ochoa and two soldiers; that he took them to the house aforementioned; that this deponent, in company with said patrolman, Adolfo Ochoa, went to the hall leading to the room where his servant, Tristan Espinoza, was supposed to be; that, finding the hall was very dark, said patrolman requested this deponent to procure some matches, offering at the same time to remain and stand guard; that this deponent thereupon went into the street to procure some matches, and had not proceeded far when the said patrolman and the two soldiers came up with this deponent and arrested him; that this deponent was forcibly taken by said patrolman, Adolfo Ochoa, and against his protestations, to the public jail; that this deponent, when he arrived at the jail door, demanded the charge on which his arrest was made, and he further demanded to be taken before the commissary of police; that said patrolman refused to give any reason for the arrest of this deponent, and also refused to take him before the commissary of police; that this deponent then gave his card to one of the soldiers on duty at the jail door, to be taken to the governor of the province or the chief of police; that the officer of the guard prohibited the sending thereof, and made answer to the effect "that it was not every day that they could get a *gringo* of the standing of this deponent in jail," and that they (the guard) desired "his company;" that this deponent was thrown into a dark and filthy cell, in company with drunken men, and that he was therein detained from 12.30 a. m. until 8 a. m. the 23d

of July, 1871; that on that morning the chief of police, Wenceslao Aviles, accompanied by Manuel Venegas and Tadeo Alarcon, came to the jail and liberated this deponent; that the said chief of police then declared his imprisonment a great mistake; and that, finally, by reason of said imprisonment, this deponent received great injury to his character, and that it caused him two days of severe sickness.

L. D. WILSON.

Sworn and subscribed to before me this 24th day of August, A. D. 1871.

GEO. P. BRAGDON.

United States Vice-Consul.

A true copy:

RUMSEY WING,
United States Minister Resident.

No. 109.

Mr. Wing to Mr. Fish.

No. 158.]

UNITED STATES LEGATION,
Quito, Ecuador, October 24, 1871. (Received Dec. 15.)

SIR: I have the honor to forward my correspondence with this government relative to the arrest and imprisonment of Dr. L. D. Wilson, detailed in my dispatch, 151, to the Department.

Accompaniment 1 is a copy of my communication to Minister Leon, and Nos. 2 and 3 are copy and translation of his answer.

It will be observed that the affidavit of Dr. Wilson differs materially from the statement of Minister Leon, and notably in regard to the person who made the arrest.

Awaiting the instructions of the Department, I have, &c.,

RUMSEY WING.

[Inclosure 1 in No. 158.]

Mr. Wing to Mr. Leon.

UNITED STATES LEGATION,
Quito, Ecuador, October 17, 1871.

SIR: Referring to the arrest and imprisonment of Dr. L. D. Wilson, an American citizen, at Guayaquil, concerning which I have hitherto had the honor of several conversations with your excellency, I have the honor to state that I find it is necessary, in view of the direct request of Dr. Wilson, to forward the facts of the case to the State Department at Washington for its consideration.

If in accordance with the judgment of the government of your excellency, I will be gratified if your excellency will furnish me with a reply hereto, embodying the circumstances of the whole case, as detailed to me verbally heretofore by your excellency.

I feel that it is due to this government as a matter of justice that the State Department should understand its view of the matter, in considering the complaint of Dr. Wilson, whose treatment at the hands of certain officials at Guayaquil I have fully explained to your excellency.

With assurances of my very great consideration, I have, &c.,

E. RUMSEY WING.

[Inclosure 3 in No. 158.—Translation.]

Mr. Leon to Mr. Wing.

FOREIGN OFFICE, *Quito, October 23, 1871.*

SIR: According to the suggestion that your excellency made me, extra officially, of asking authorities of Guayaquil for private information in respect to the arrest of Doc-

for Wilson, an American citizen, I have received the following data, from which it appears that Doctor Wilson presented himself at the police office, complaining that his servant, to whom he had given the sum of \$500 to change, instead of doing so, had abused his confidence and gambled away the money; and requesting at the same time the apprehension of the delinquent, and his being put in prison until such time as he should refund the \$500.

Immediately the most stringent and urgent orders were given for the arrest of the servant. A patrolman, who knew neither Doctor Wilson nor his servant, through a mistake, took one for the other. As soon as this mistake was made known to the commissary of police, he immediately put Doctor Wilson at liberty, after giving him the most explicit and sincere explanations for the error that had caused his arrest.

In effect, he appeared completely satisfied, and the police continued their search for the servant until he was apprehended and placed in prison. This is what occurred in the regard to which your excellency asked for information in your esteemed dispatch of the 17th of the present month.

This report will be most fully sent to your excellency, should you so desire, as soon as the authorities of Guayaquil send the result of the trial that this office has ordered him to be brought to.

I avail myself of this opportunity to reiterate to your excellency, Sör Ministro, the assurances of my high and distinguished consideration, and I have, &c.,

FRANCISCO JAVIER LEON.

No. 110.

Mr. Fish to Mr. Wing.

No. 65.]

DEPARTMENT OF STATE,
Washington, November 23, 1871.

SIR: Your dispatch, No. 151, of the 17th ultimo, in relation to the case of Doctor L. D. Wilson, has been received.

With reference to his case you state: 1st. That his imprisonment was the result of mistaken identity; 2d. That it embodies a flagrant case of outrage.

In reply, I have to request that you will furnish further explanations to sustain those statements.

I am, &c.,

HAMILTON FISH.

No. 111.

Mr. Fish to Mr. Wing.

No. 66.]

DEPARTMENT OF STATE,
Washington, November 24, 1871.

SIR: Your dispatch, No. 146, of the 3d ultimo, in relation to the pending question between the President of Ecuador and the President of Cauca, has been received.

In reply, I have to state that you are at liberty to use your friendly offices for the purpose of arranging this personal issue. In doing so you will counsel peace and mutual forbearance, but avoid much interference, unless it be asked for, and then let it be confined to prudent counsel and non-partisanship.

I am, &c.,

HAMILTON FISH.

No. 112.

Mr. Wing to Mr. Fish.

No. 165.]

UNITED STATES LEGATION,

Quito, Ecuador, December 1, 1871. (Received Jan. 15, 1872.)

SIR: In accordance with your instructions in dispatch No. 58, of the Department, I at once addressed a communication to Minister Leon, of which accompaniment (1) herewith is a copy. Nos. 2 and 3 are copy and translation of the answer received from this government. I may add that your instructions in the premises have given very lively satisfaction to this government, as I am personally aware.

I am, &c.,

RUMSEY WING.

[Inclosure 1 in No. 165.]

Mr. Wing to Mr. Leon.

UNITED STATES LEGATION,

Quito, Ecuador, November 23, 1871.

SIR: I have recently received instructions from his excellency, Hon. Hamilton Fish, the American Secretary of State, to express to the government of Ecuador the sense of pleasure with which the President of the United States has observed the cordial and complimentary terms in which your excellency has referred to the Government and people of the United States, in your recent report to the Ecuadorian congress. It is with great personal pleasure that I have the honor to obey these instructions.

Such interchanges of confidence and courtesy are calculated to draw more closely the ties of our common republicanism and reciprocal friendship. With assurances of my very distinguished consideration have, &c.,

RUMSEY WING.

[Inclosure 3 in No. 165.—Translation.]

Mr. Leon to Mr. Wing.

FOREIGN OFFICE OF ECUADOR,

Quito, November 23, 1871.

The undersigned, minister of foreign affairs of Ecuador, has viewed with the liveliest satisfaction the contents of the esteemed note that his excellency, the resident minister of the American Union, has been pleased to send him under to-day's date, informing him that he has received express instructions from his excellency Hamilton Fish to manifest, in the name of his excellency President Grant, his pleasure and appreciation at the just and merited estimation set forth in his report to the legislative bodies of his country, relative to the Government and people of the United States. The undersigned, gratified at this manifestation, complies with the pleasurable and essential duty of signifying to his excellency Rumsey Wing, in his own name and that of his government, the sincere cordiality with which he has received this act of courtesy, and gives his excellency the most expressive thanks for the solicitous interest that he has shown in the exact fulfillment of his trust.

The undersigned avails himself of this opportunity to reiterate to his excellency the honorable minister the expression of his esteem and distinguished consideration, &c.

FRANCISCO JAVIER LEON.

No. 13.

Mr. Wing to Mr. Fish.

No. 172.]

UNITED STATES LEGATION,

Quito, Ecuador, December 22, 1871. (Received Feb. 3, 1872.)

SIR: From a late Panama Star and Herald, December 10, 1871, I extract the inclosed articles, (1, 2, 3, and 4,) for consideration of the Department, and also (5) from the European Mail of November 17, 1871. They are interesting, and bear directly upon a subject to which I have referred frequently and persistently since my arrival in Ecuador.

I place but small credit, however, in the "opinion of a Guayaquil merchant," (4,) and believe that Ecuador (and not only Ecuador but the whole Pacific coast) will patronize the line offering the most liberal inducements. Success, however, of a permanent nature, over the English line on this coast, can only be secured by an American line, in my judgment. I hope to see the commercial flag of our country flying at the front of a steam marine on the whole Pacific sea-board, in the event of General Grant's re-election, which I regard as a foregone conclusion.

I have, &c.,

RUMSEY WING.

[Inclosure 1 in No. 172.]

STEAM-NAVIGATION BETWEEN GREAT BRITAIN AND SOUTH AMERICA.

Steam-navigation to South America has corresponded with the development of commerce. It is not many years since that even tug-steamers were unknown in Brazilian ports, and ships were towed out to sea by boats. An effort was made to maintain a regular steam-communication with Rio de Janeiro by the ships of the General Screw Company, but the enterprise failed. The subsidized ships of the Royal Mail Company were more successful. The past few years, however, has witnessed a great extension of steam in that direction. British Guiana is a district of the South American Continent, but is usually classed in the West Indian ports. We may, therefore, in noticing the employment of steam tonnage in South America, omit all ports below Demerara, having already referred to the West India trades. The northern Brazilian ports of Para, Maranhão, and Ceará are now served by the Booth line, from Liverpool, with four vessels of 3,898 tons, and by four ships of the Red Cross line, of 5,370 tons. Steamers are also dispatched by Messrs. Harrison to Pernambuco. To Rio de Janeiro and the River Plate, instead of only one line, as formerly, we have several competing fleets of steamships. From London the Ryde line, consisting of four ships of 6,415 tons, touching at Antwerp, go on to Rio, Montevideo, and Buenos Ayres. The Royal Mail Company's ships sustain a monthly service from Southampton to the same ports, and these are supplemented by those from the Mersey. We find by the Mercantile Navy List that the Liverpool, Brazil and River Plate Company own eighteen steamships of 24,606 tons, and a new fleet has been constructed, or is building, for the River Parana Steamship Company, whose vessels call at Bordeaux en route to Montevideo, Buenos Ayres, and Rosario. Messrs. Lamport & Holt also send ships of the Liverpool, Brazil and River Plate Company from London via Antwerp to Bahia, Rio de Janeiro, and the River Plate, on the 12th of every month; but the Pacific Steam Navigation Company are the largest employers of steam-vessels to South America. The Pacific Company possess twenty-seven vessels of 36,992 tons register, and advertise a fortnightly line from Liverpool, calling at Bordeaux and Lisbon, for Rio de Janeiro, Montevideo, through the Straits of Magellan, for Arica, Islay, and Callao, in connection with their vessels on the South Pacific coast. Taking the vessels of the Pacific Company as a link of those from this country, there are now seventy-one steamships under the British flag either plying from the United Kingdom to South America or along the coasts of the Pacific northward to Panama, registering 96,995 tons. Large as this tonnage may appear when considered in relation to the infancy of steam navigation, it is certain to be augmented in a few months, and in 1872 the aggregate will exceed 100,000 tons. Deducting the coasting steamers on the Pacific, this will leave about 80,000 tons for direct ocean transit to the Brazil, the River Plate, and round to the southern ports.

Nearly all the cotton, sugar, coffee, tobacco, and other produce of the States of South

America are, therefore, likely to find their way to England, France, and Belgium by steam-vessels.

To judge whether remunerative employment can be found for all this steam-tonnage, we have to look to the imports and exports. The declared real value of British and Irish produce exported from the United Kingdom to the following States is thus given in the Parliamentary reports:

Countries.	1860.	1870.
Ecuador.....	£74, 149	£57, 011
Brazil.....	4, 446, 776	5, 354, 140
Uruguay.....	922, 733	829, 525
Argentine Confederation.....	1, 782, 447	2, 353, 676
Chili.....	1, 702, 800	2, 680, 792
Peru.....	1, 381, 337	1, 766, 128
Total.....	<u>10, 310, 242</u>	<u>13, 025, 272</u>

In ten years, therefore, the value of British and Irish produce exported to these countries, had increased £2,715,030. As compared with 1866 the exports to Brazil fell off by nearly two millions sterling, but that was an exceptional year. The exports of foreign and colonial produce from ports in the United Kingdom were as follows:

Countries.	1860.	1870.
Ecuador.....	£2, 122	£1, 653
Brazil.....	124, 532	155, 411
Uruguay.....	21, 269	46, 691
Argentine Confederation.....	38, 488	60, 725
Chili.....	35, 129	54, 438
Peru.....	46, 815	48, 193
Total.....	<u>268, 355</u>	<u>362, 111</u>

These figures show that the exports of foreign and colonial produce from the United Kingdom increased £93,756 in the ten years. The estimates here given, however, are not complete without taking into account the value of foreign merchandise imported into ports of the United Kingdom in transit. The transshipments to Chili and Brazil were:

	1860.	1870.
Chili.....	£58, 351	£453, 832
Brazil.....	3, 268	96, 187
Total.....	<u>61, 619</u>	<u>550, 019</u>

Merchandise imported from abroad to be forwarded to foreign states increased to Chili and Brazil to about half a million sterling. The enhanced value of the goods conveyed from the United Kingdom in the ten years was £3,297,186.

The declared value of imports, therefore, was greater in 1870 by £6,956,437 than in 1860. Allowing for transshipments, classed under the head of "other countries" in the customs returns, some of which, no doubt, appertain to South America, we may estimate the average increase, in exports and imports together, at a million and a quarter sterling per annum. As the trade and navigation returns exhibit a decrease in British sailing tonnage to Brazil, the River Plate, Chili, and Peru, we find that this is fully compensated for by the increase of steam navigation with those States.

[Inclosure 2 in No. 172.]

STEAMERS LAUNCHED FOR THE PACIFIC STEAM NAVIGATION COMPANY.

Messrs. John Elder & Co., Glasgow, have launched an iron screw-steamer, named Cuzca, of 3,850 tons register and 550 horse-power, nominal, for the Pacific Steam Navigation Company of Liverpool. The Cuzca is designed specially for that company's fortnightly service between Liverpool and Valparaiso, via the Straits of Magellan.

Her dimensions are: Length, between perpendiculars, — feet, breadth 41 feet, depth 36½ feet. All modern improvements are introduced. She has accommodation for one hundred and forty first-class, forty second-class, and eight hundred third-class passengers, and is divided into seven water-tight compartments. Engines are supplied by her builders on the compound principle.

Messrs. Laird Brothers, of Birkenhead, have launched a fine screw-steamer for the same company, named the Eten. Her dimensions are as follows: Length, between perpendiculars, 260 feet, beam 38 feet, depth in hold 21½ feet, tonnage, board-measure, 1,975 tons. The Eten is also intended for the company's service on the west coast of South America, and is therefore fitted with special requirements. She has an extensive arrangement of deck-houses, in similar style to those previously built by Messrs. Laird Brothers for this company. Engines on the compound principle, having iron cylinders, the high pressure one being 45 inches in diameter and the low pressure one 78 inches, with a stroke of 3½ feet. The screw is on Griffith's principle and has four blades. There are two boilers of large size for the power of the engines, which are fired from each end, and these are intended to be worked at 60 pounds pressure. The vessel has accommodation for fifty or sixty first-class passengers and thirty second-class, and the forepart of the between-decks is fitted for carrying cattle. The Eten will be rigged with three pole masts, and she has a complete arrangement of steam winches, derricks, &c., for working the cargo. She is fitted with side hatches, and in all respects the vessel is a model of what a vessel should be when intended for such service. The midship part of the ship is supplied with the double-bottom principle, so that it can be used as a ballast-tank if required.—*European Mail*.

[Inclosure 3 in No. 172.]

The long-talked-of French line of steamers in the Pacific is likely now to be realized. Monsieur D'Aleman, as agent of the French Transatlantic Company, went south by last steamer to make all preliminary arrangements for the establishment of the line between Valparaiso and Panama. The four vessels destined to be put on this route are all magnificent ships, of which we had a specimen the other day in the Ville de Bordeaux, at Aspinwall. We also learn, though not officially, that the Pacific Steam Navigation Company, in view of this opposition, will replace their present small and old ships now on the mail-service to Panama by an equal number of their best new steamers, the better to control the coast business between here and Valparaiso. The first French steamer was announced to leave France for its station on the coast in January next, so that the new line will likely be inaugurated in a few months hence.

[Inclosure 4 in No. 172.]

We are assured by a very responsible merchant of Guayaquil, that the statement made in our last issue that the leading merchants of that city had compromised themselves to give all their business to the new French line in preference to the English company, is not correct, and that no such compromise has been made. We received our information from what we considered a perfectly reliable source, and now gladly make this correction as requested.

[Inclosure 5 in No. 172.]

Steam navigation to South America has corresponded with the development of commerce. It is not many years since, a contemporary says, that even tug-steamers were unknown in the Brazilian ports, and ships were towed out to sea by boats. An effort was made to maintain a regular steam communication with Rio de Janeiro by the ships of the General Screw Company, but the enterprise failed. The subsidized ships of the Royal Mail Company were more successful. The past few years, however, has witnessed a great extension of steam in that direction. British Guiana is a district of the South American continent, but is usually classed in the West Indian ports. We may, therefore, in noticing the employment of steam-tonnage in South America, omit all ports below Demerara. The northern Brazilian ports of Para, Maranhão, and Ceara are now served by the Booth line, from Liverpool, with four vessels of 3,698 tons, and by four ships of the Red Cross line, of 5,730 tons. Steamers are also dispatched by Messrs. Harrison to Pernambuco. To Rio de Janeiro and the River Plate,

instead of only one line, as formerly, we have several competing fleets of steamships. From London, the Ryde line, consisting of four ships of 6,415 tons, touching at Antwerp, go on to Rio, Montevideo, and Buenos Ayres. The Royal Mail Company's ships sustain a monthly service from Southampton to the same ports, and these are supplemented by those from the Mersey. We find by the Mercantile Navy List that the Liverpool, Brazil, and River Plate Company own eighteen steamships, of 24,606 tons; and a new fleet has been constructed, or is building, for the River Parana Steamship Company, whose vessels call at Bordeaux, *en route* to Montevideo, Buenos Ayres, and Rosario. Messrs. Lamport & Holt also send ships of the Liverpool, Brazil, and River Plate Company from London, via Antwerp, to Bahia, Rio de Janeiro, and the river Plate on the 12th of every month; but the Pacific Steam Navigation Company are the largest employers of steam-vessels to South America. The Pacific Company possesses twenty-seven vessels, of 36,992 tons register, and advertise a fortnightly line from Liverpool, calling at Bordeaux and Lisbon, for Rio de Janeiro, Montevideo, through the Straits of Magellan, for Arica, Islay, and Callao, in connection with their vessels on the South Pacific coast. Taking the vessels of the Pacific Company as a link of those from this country, there are now seventy-one steamships under the British flag either plying from the United Kingdom to South America, or along the coasts of the Pacific, northward to Panama, registering 96,995 tons. Large as this tonnage may appear when considered in relation to the infancy of steam navigation, it is certain to be augmented in a few months, and in 1872 the aggregate will exceed 100,000 tons. Deducting the coasting steamers on the Pacific, this will leave about 80,000 tons for direct ocean transit to the Brazils, the river Plate, and round to the Southern ports. Nearly all the cotton, sugar, coffee, tobacco, and other produce of the States of South America are, therefore, likely to find their way to England, France, and Belgium by steam-vessels.—*European Mail*.

No. 114.

Mr. Wing to Mr. Fish.

No. 175.]

UNITED STATES LEGATION,

Quito, Ecuador, December 23, 1871. (Received Feb. 16, 1872.)

SIR: For some days past there has been considerable excitement in Quito in regard to difficulties with the Indians near Riobamba, a city situate between here and Guayaquil, and very near the present point to which the carriage-road hence to the coast has been finished. It seems that in 1868 quite a threatening affair of the same nature occurred in or about the same locality, but was promptly suppressed.

The building of roads in Ecuador has necessitated the employment of Indian laborers, many of whom, it would appear, were exceedingly loath to accept such occupation. This, together with the means adopted to make them accept such service, has doubtless created some recent feeling among them.

Moreover, there is certainly a certain distrust of the whites among them, that has been transmitted from the very days of the Incas.

These facts in connection with their actual aggregate condition of poverty and quasi servitude, superadded to that secret fraternity existing among nearly all the tribes of South America, whereby the knowledge of events is rapidly heralded from point to point, have welded them to great extent into separate but well-defined and compact masses. From what I am told I have but little doubt concerning the thorough acquaintance of the Ecuadorian and Peruvian Indians, with the achievements and actual exhibitions of power made by their Bolivian brethren at a very recent period, and in a very emphatic and sanguinary manner. There have lately been several "doctors" or "medicine men" in Ecuador, who were reported to be from Bolivia. Whether that fact has

anything to do with the present troubles here, is of course a matter of mere fruitless conjecture.

One thing is sure, and that is, that the Indians largely outnumber the whites, and that the possibility of a future Indian coalition has more than once been descanted upon in various sections of South America. But let these matters be as they may, however, about a week since, an Indian in the densely populated regions about Riobamba refused to pay the school-tax of two reals (20 cents) demanded by an official collector (a "blanco" or white man, of course) of the government. An altercation ensued, and the collector was beaten off by the Indian and his friends; subsequently he returned with two assistants, whereupon the Indians in large numbers attacked and captured them. They were then put to death after the most horrible tortures, and in the most painful and degrading manner. This was followed by an indiscriminate torture and slaughter of all the whites within immediate reach. Several of the methods adopted proved that these usually humble, passive Indians equaled, if they did not surpass, their red friends of North America in the devilish ingenuity of their barbarity. Personally they had never had any previous practical experience, but either through innate ferocity or familiar tradition they were not lacking in any element of aboriginal cruelty.

So soon as the government here was notified of these occurrences, a strong and well armed (with Remington rifles) force of soldiery was ordered to the disturbed section. Meanwhile, however, the difficulty increased, and murder succeeded murder, while from all the surrounding country the Indian population flocked to the scene of action.

At present the air is thick with rumors, many of which are, I think, unfounded or at least greatly exaggerated.

It is reported that the city of Riobamba (12,000 population) is invested by an infuriated force of six or eight thousand Indian men, while some 12,000 or 20,000 (men, women and children) are encamped in the mountains beyond. This I am not inclined to believe, though there is undoubtedly a force of some thousand Indians in the near neighborhood of Riobamba, armed with stones, bows, lances, &c. I presume, also, that it is true that they have routed a force of volunteers, sent out from that city against them. Notwithstanding their spare diet, however, I do not comprehend how they can long subsist together in so large a body. Starvation alone must, I think, soon disperse them. President Moreno has no doubt of the immediate result of the contest between the troops (largely outnumbered as they are) and the revolting Indians, or he would have gone in person to the insurgent region, as he always does in case of very serious disturbance.

One evil result to be apprehended from the subjection and defeat of the Indians consists in the fact that the great majority of them will possibly retreat to the wilderness and find refuge there. This will leave a large and fertile area of country almost entirely desolate and uninhabited, not to mention the fearful sufferings that will necessarily overtake this unhappy and fated people during their long and hazardous flight, sufferings most apt to fall upon the weakest and most helpless and innocent of their number.

I will not conclude this dispatch at present, but hold it open for such further items as may reach me before the closing of my next mail-sack.

JANUARY 6, 1872.

Since writing the above I have learned that previous to the arrival of the troops the Indians had burned several villages in the vicinity of

Riobamba, and committed many atrocities and murders. They fled to the mountains at first sight of the soldiers, and are still reported as retreating in large bodies composed of men, women, and children. Practically the revolt is at an end, but I am as yet unable to ascertain what is to be the final issue so far as the Indians are concerned.

Several of the reputed leaders have been captured, and will doubtless be shot at once.

The troops are still at or near the field of disturbance.

It is extremely difficult to secure reliable data, however, in a country so devoid of all news facilities as this, and with the exception of the accompanying documents (1) no statement has thus far emanated from the government.

It will be observed that the province of Chimborazo has been declared in a state of siege.

These disturbances have transpired at the very base of the historic "King of the Andes," made famous by the researches of Humboldt, Boussingault, and other illustrious explorers.

There has also been a collision between a small body of troops and a mob of Indians, near Otavalo, in the province of Imbabura, resulting in the death of several of the opposing parties. This affair, however, does not appear to have had any connection with the movement in Chimborazo, but arose concerning certain Indian children being conveyed to a mission-school without the consent of their families, who do not seem to have understood the destination of the children; and contrary likewise, I am informed, to the policy and instructions of the government, which did not propose to enforce a compulsory education, but only to afford the means of a voluntary one.

I may say that in this country the Indian has been utilized until he has become a necessity to its material development and improvement. Certain attempts have been made, and are being made, to instruct and Christianize him. In many respects, however, his present condition is a most unfortunate and unenviable one. In its every phase, and in all parts of the New World, the Indian problem seems to present extraordinary difficulties, to merit profound consideration, and to require a patient, forbearing, and yet systematic and resolute policy.

I have, &c.,

RUMSEY WING.

No. 115.

Mr. Wing to Mr. Fish.

No. 178.]

UNITED STATES LEGATION,
Quito, Ecuador, January 12, 1872. (Received February 16.)

SIR: Permit me, in answer to dispatch No. 65 from the Department, most respectfully to state, in regard to the case of Dr. L. D. Wilson, that in my dispatch No. 151 I say that:

1st. I am informed that his arrest was a mistake, arising from the fact that he was taken for his servant, &c.

This information came, of course, from the Ecuadorian authorities, and is more particularly set forth in my subsequent dispatch No. 158. This constitutes the Ecuadorian side of the case.

I say, moreover, in my dispatch No. 151, that:

2d. Dr. Wilson's statement embodies a very flagrant case of outrage upon private rights.

Dr. Wilson's statement embodies, of course, his version of the affair.

The two conflicting versions make up the case, so far as I know, though both parties assure me of their ability to adduce further evidence in support of their respective statements.

Dr. Wilson, it will be observed, expressly and emphatically swears that he was personally known to the officer making the arrest, and had but a short time previously engaged his services to effect the arrest of his servant. This assertion is negatived by the plea of "Mistaken identity" made by Minister Leon.

Dr. Wilson further states that he was confined during the night and insulted by the language of the officers having him in charge.

Minister Leon, on the other hand, avers that he was released immediately upon the establishment of his identity, and I understand him to say that this release was made within a very short time of the doctor's arrival at the prison.

Here are two distinct points in issue, and before taking any further steps in the matter I felt it incumbent upon me to await instructions from the Department.

Personally, I make statement of neither of the propositions laid down in dispatch No. 65 of the Department. I set forth those propositions as the results respectively of the adverse versions of Dr. Wilson and of the government of Ecuador.

The affair occurred at Guayaquil, and hence personally I have not been able to institute any direct inquiries of outside parties. Dr. Wilson's statement was forwarded to me from our consulate in Guayaquil. I have, therefore, perforce, confined myself to the record as made out by the parties in interest.

If I understand it to be the desire of the Department that I shall request further affidavits from Dr. Wilson, and a copy of the official report from the local authorities of Guayaquil, at the hands of this government, I will endeavor to secure such data.

Awaiting instructions from the Department, I have, &c.,

RUMSEY WING.

No. 116.

Mr. Wing to Mr. Fish.

No. 183.]

UNITED STATES LEGATION,

Quito, Ecuador, January 16, 1872. (Received February 16.)

SIR: I have the honor to attach (1) copy of the contract lately entered into between this government and the English steam-line on this coast. I also add (2) a clipping from a late Panama Star and Herald relative to the increasing wealth of this now powerful monopoly. I see it stated that the contemplated French steam-line will soon be in operation and that some of the vessels have already sailed for the Pacific board. I am gratified to be able to state, however, that notwithstanding the various and powerful European influences at work in South America, our own countrymen still maintain their hold upon popular esteem and confidence in Ecuador. As a renewed evidence of this fact I may note the arrival, within the last few days, at this capital from the United States, of about a dozen mechanics, artisans, &c., who are to inaugurate American systems of work here, and the employment of additional American civil engineers by this government.

The first-named came out under special contract with this government.

The letter of Minister Flores in El Nacional of December 20, 1871, (forwarded to Department,) bears upon this subject. It will be observed from the correspondence relative to Captain Wesley Clark, in El Nacional No. 117, that the pearl-fisheries on the Ecuadorian coast are making a respectable yield.

The intention of this government to build a thorough set of water-works at Guayaquil is a matter that I wish was public in the United States.

It would suit American capital and energy to embark therein. If this government can sustain itself financially for a few years, there will be many works undertaken inviting the attention of enterprising contractors. I hope to see our countrymen secure a reasonable amount thereof.

Truth is, that with an American steam-line on this coast, (which I hope to see inaugurated during General Grant's second term,) liberally sustained and skillfully conducted, there is no valid reason why our country should not find in the Southern Pacific one of its most magnificent and remunerative fields of commerce. Our flag ought to float in these harbors to the exclusion almost of that of any other nation.

I am, &c.,

RUMSEY WING.

No. 117.

Mr. Wing to Mr. Fish.

No. 186.]

UNITED STATES LEGATION,
Quito, Ecuador, January 18, 1872. (Received February 16.)

SIR: Permit me to express the gratification with which, since writing my dispatch No. 183, I have received and read the opinion of the President in his late message upon the subject of "steamship subsidies."

It is also with peculiar interest and pleasure that I observe the lucid and cogent reasoning of Secretary Boutwell in regard to the same important matter. The public-spirited American cannot long remain in foreign ports without imbibing these views to a greater or less extent, without regard to his former opinions, or habits of thought, or political and local prejudices.

You will pardon me for thus presuming to add another to the many communications that I have heretofore addressed to the Department, relative to our shipping and foreign commerce.

I have, &c.,

RUMSEY WING.

No. 118.

Mr. Wing to Mr. Fish.

No. 193.]

UNITED STATES LEGATION,
Quito, Ecuador, February 5, 1872. (Received March 22.)

SIR: It is very seldom that any man can find his views more thoroughly embodied and expressed than I have had the good fortune to observe in the inclosed clipping from a late American paper, (1.)

In view of the vivid impression made upon my mind by what I have in my limited sphere seen of the status of American commercial interests and naval prestige, I trust that I may be permitted most respectfully to call this article to the attention of the Department.

I am, &c.,

RUMSEY WING.

(No. 1.)

A WORD FOR THE NAVY.

The American Navy has ever been the special pride of our people. Inheriting considerable glory from our British ancestors, who still sing of "Nelson and the North," we have claimed equal fame for our long line of heroes, from Paul Jones, Hull, Lawrence, and Decatur, down to our own day, when the lamented Farragut won for himself and his cherished profession new honors and an undying name. The followers of Farragut still survive. His gallant tars still repeat the song and story dear to the heart of the true-blue, and, cherishing as much love for economy and the pruning of our unnecessary expenses as the most peaceful of all peace-lovers, we do not want to see our Navy abolished or its very much needed organization disordered or impaired.

When troubles in Cuban waters demand all our available force near home, and possible Chinese complications may call for a class of vessels yet to be built, we think the attention of Congress should be called to a few facts especially dwelt upon by the Secretary of the Navy in his very lucid and able report. The needs of the service are great, as indeed are those of citizens residing abroad or obliged to travel for health or business. The growth of our country and its position among the powers of the earth make it necessary that a respectable and effective force remain ready at all times to protect our rights, and uphold the honor of the flag. An effective naval force cannot be improvised, and in case of a foreign war we would suffer so greatly before a navy could be created that any sacrifice would be considered proper to insure protection.

The report of Mr. Robeson shows that, although in population, wealth, and political importance, we claim to be, and are, a first-class power among the nations of the earth, yet in regard to our Navy we are not even third-class. Poor Spain, some of our papers habitually ridicule and abuse, has a naval force sufficient to overpower our little command long before new ships could take the sea fully armed and equipped. So with England, France, Italy, Russia, Austria, and now Germany is making great strides in the same direction. It behooves the wise men of Congress to consider these facts, and to especially calculate the humiliation, as well as loss, the nation would suffer by a war liable to be forced upon us at any moment.

With the immense extent of unguarded coast, lined with wealthy and undefended cities, it seems eminently proper that means should be taken to keep up the organization, at once our safety as well as our pride. For peaceful purposes the naval forces are very useful, and during the last year explorations and surveys have been undertaken of immense importance to civilization and the republic. The Tehuantepec and Darien Canal surveys are great works, and the North Pole expedition, all reflect great credit on the Navy, and its scientific corps holds a place second to none in the world. Let Congress examine and sustain this invaluable Department.

No. 119.

Mr. Wing to Mr. Fish.

No. 200.]

UNITED STATES LEGATION,
Quito, Ecuador, February 27, 1872. (Received April 15.)

SIR: I have the honor to state that the 22d of February received the considerate attention of this government.

The bands of the government were sent to serenade this legation. Not only the diplomatic agents and government officials paid visits to my house, but many prominent private citizens called to offer their compliments upon that day.

President Moreno was quite unwell, but sent his staff officers with Minister Leon, who presented his greetings, together with the most kindly sentiments toward President Grant and yourself. I merely mention this matter in order that you may appreciate how cordial and sincere an interest this people seem to evince in all things pertaining to the history and honor of the United States.

I am, &c.,

RUMSEY WING.

No. 120.

Mr. Wing to Mr. Fish.

[Extract.]

No. 211.]

UNITED STATES LEGATION,
Quito, Ecuador, April 2, 1872. (Received May 18.)

SIR: I have recently received many gratifying proofs of the warm feeling existing here toward our Government, in all circles.

President Moreno and his ministers have been especially pleased with the uniform kindness and courtesy which Minister Flores has received from President Grant and your excellency.

I think I may truly say that our Government does not stand more highly and affectionately in the estimation of any people than it does among the Ecuadorians to-day.

Public sentiment favors us, and Americans are being employed in almost all the walks of industry and improvement. This state of affairs has resulted during the past two or three years, and is in marked contrast to the former prestige of our Government and people here.

* * * * *

I am, &c.,

RUMSEY WING.

No. 121.

Mr. Wing to Mr. Fish.

No. 229.]

UNITED STATES LEGATION,
Quito, Ecuador, July 5, 1872. (Received August 19.)

SIR: I have pleasure in being able to report to you that our national anniversary was very generally observed in this city, in a manner most flattering to the United States.

President Moreno has been absent from the city for several weeks past, but by his instructions the bands of the government and a guard of honor were sent to this legation.

During the course of the day Minister Leon and the chief officers of the government, together with most of the principal citizens, called in person at this legation. The foreigners of all nationalities (inclusive of the English) also came to offer their congratulations.

I was particularly impressed with the vivid sense of kindness and gratitude with which the French residents of this capital seem to regard this legation, which was the recipient of many offerings of flags and flowers from them during the day.

The feeling exhibited likewise by the native officials and citizens was, without exception, of a most cordial and gratifying character.

This day has added another to the number of the pleasant reminiscences of my sojourn in Ecuador; and has again evinced the universal esteem and respect felt for the Great Republic throughout all circles here.

I am, &c.,

RUMSEY WING.

[Inclosure in No. 229.]

Translation of an article contained in No. 191 of "El Nacional" of July 15, of this city, forwarded herewith.

THE FOURTH OF JULY.

This glorious day, the anniversary of the declaration of the independence of the United States of America, the model of the modern republics, was observed by the Hon. Mr. Wing in a most becoming manner.

On the previous evening his house was serenaded by the bands of the two bodies of soldiery now stationed in this city, who were generously treated by him. On the day of the 4th he received congratulatory visits from all the most eminent members of Quitoian society. But aside from the just motives that all true republicans had for felicitation upon that notable day, was the fact that the Hon. Mr. Wing has established such pleasant relations, and is so universally respected, and enjoys such genuine popularity here.

No. 122.

Mr. Wing to Mr. Fish.

No. 234.]

UNITED STATES LEGATION,
Quito, Ecuador, August 8, 1872. (Received September 16.)

SIR: I am gratified to be able to report that the favorable consideration with which our countrymen are regarded by this government still continues, and that quite a large party of American artisans, mechanics, &c., &c., together with several families, are expected here within a day or two. These persons are employed directly by the government.

I regret to hear a rumor this morning that one of the number has died in the passage of the mountains, and trust that it may prove to be nothing more than a rumor.

The recent works and reports of the American engineers have also given great satisfaction.

A brief report of Mr. Rogers, of New York, concerning a long and arduous exploring trip on foot, from this city to Marabi, (which is destined to become one of the chief sea-ports on this coast,) is interesting, and will be supplemented by a report in full at an early day, I hear. There seems also to be an increasing desire to seek the American markets; and I am aware that several classes of contracts that have heretofore been monopolized by Europeans will hereafter be turned into American channels. Comparatively speaking, our countrymen are still but few in Ecuador. They are assuming a strong popular hold, however, and are, I think, destined, with discretion and proper management, eventually to exert the same influence, pecuniary and personal, here, that they now do in Peru and Chili.

The tendency in that direction has been marked within the past two years.

I am, &c.,

RUMSEY WING.

No. 123.

Mr. Hale to Mr. Wing.

No. 91.]

DEPARTMENT OF STATE,
Washington, September 28, 1872.

SIR : Your dispatch No. 234, under date of August 8, has been received. The information therein contained respecting the increase of American enterprise and influence in Ecuador is received with satisfaction.

It is desired that any effort which may be made by American citizens residing abroad to extend the commercial intercourse of the United States with foreign countries should be encouraged.

I am, &c.,

CHARLES HALE,
Acting Secretary.

FRANCE.

No. 124.

Mr. Fish to Mr. Washburne.

No. 335.]

DEPARTMENT OF STATE,
Washington, October 9, 1871.

SIR : The following extract from a report made by Minister Leon to the Congress of Ecuador, a copy of which accompanied a dispatch of the 21st of August last, from our minister at Quito, is transmitted for your information :

Our citizens in Paris having been exposed to the consequences of the horrible Franco-German war without any Ecuadorian diplomatic agent which could protect their persons and property, found in the minister plenipotentiary (the Hon. E. B. Washburne) of the United States of America aid and protection.

I am, &c.,

HAMILTON FISH.

No. 125.

Mr. Washburne to Mr. Fish.

No. 551.]

LEGATION OF THE UNITED STATES,
Paris, October 30, 1871. (Received November 16.)

SIR : I do not think I have ever advised the Department of the action I have taken since I have occupied my present position, in regard to Mexican subjects finding themselves in France. Being without representatives of any character here they have often applied to me, as being the representative of a neighboring and friendly power, to perform certain acts necessary for their protection, for the certification of documents, and to issue papers in the nature of passports. Though I have had no particular authority from any quarter, yet, being called upon by Mexican subjects who were in very embarrassed positions, I have deemed it proper

in the interests of good neighborhood and of the friendly feeling between the United States and Mexico, to act officially in behalf of the parties who have thus applied to me. In every case my action has been respected by the French government. I have considered it right to advise you of what I have done in this regard, and of the circumstances under which I have acted, to the end that the Mexican government might know the reasons which influenced me to extend my good offices to its citizens in France.

I have, &c.,

E. B. WASHBURNE.

No. 126.

Mr. Fish to Mr. Washburne.

No. 358.]

DEPARTMENT OF STATE,
Washington, November 20, 1871.

SIR: I have to acknowledge the receipt of your dispatch of the 30th ultimo, No. 551, in regard to the protection extended by you to Mexican subjects residing in France, and in reply to state that your action as therein set forth is approved by the Department. You will continue to use your good offices in their behalf if no objection is entertained on the part of the French government.

I am, &c.,

HAMILTON FISH.

No. 127.

Mr. Fish to Mr. Washburne.

No. 375.]

DEPARTMENT OF STATE,
Washington, January 15, 1871.

SIR: I inclose herewith a translation of a note* of the 15th ultimo, addressed to the United States minister at Mexico by the minister for foreign affairs, concerning the good offices extended by you to Mexican citizens in France.

I am, &c.,

HAMILTON FISH.

No. 128.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 623.]

LEGATION OF THE UNITED STATES,
Paris, April 1, 1872. (Received April 19.)

SIR: The National Assembly adjourned on Saturday afternoon until the 22d instant. Just before the adjournment Mr. Thiers appeared at

* For note see inclosure to dispatch from United States minister to Mexico of December 18, 1871.

the tribune, to make, as he said, a brief exposition of the situation. You will find his speech reported at length in the Journal Officiel of the 30th instant. It was very well received. Speaking of the financial situation, he said :

Do not forget that since at this day a similarity of government draws us closer to the United States, do not forget the great example they have given to the world in proportioning the taxes to the burdens they had assumed. On their part, this was very praiseworthy, for they had assumed these burdens voluntarily. We, who have not voluntarily assumed the burdens which weigh upon us, must not show less courage in bearing them, and the true courage which France, understanding her position, recommends to you, gentlemen, is to place the receipts on a level with our unavoidable expenses.

The French are not relaxing their passport system, but are enforcing it more and more strictly, greatly to the disgust of all foreigners visiting or proposing to visit France, and particularly of the English.

I have, &c.,

E. B. WASHBURNE.

No. 129.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 671.]

LEGATION OF THE UNITED STATES,
Paris, August 2, 1872. (Received August 15.)

SIR: The National Assembly has substantially completed its labors for the session, and has determined to adjourn over from the 4th instant until the 11th of November. Mr. Thiers has greatly strengthened himself in the country within the last few months, and it may be said that he is now completely master of the situation. He goes to Trouville, on the sea-shore, for a little rest, and after that it is said that he will go to Fontainebleau, to remain until the assembly shall reconvene.

The success of the three-milliard loan is something astonishing. It has been covered twelve times and a half, and the French people are very much rejoiced.

I have, &c.,

E. B. WASHBURNE.

No. 130.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 675.]

LEGATION OF THE UNITED STATES,
Paris, August 23, 1872. (Received September 6.)

SIR: The most perfect peace and quiet remain throughout all France at the present time. The extraordinary success of the loan has flattered the pride of the French people amazingly. Though immense amounts were taken abroad, yet it seems they are all coming back to France, and are now being absorbed in small sums by the common peo-

ple. The result will be in the end that almost the entire loan will be held in France. Every person in the whole country who has a few hundred francs is wishing to invest it in the new loan, and it has now reached a premium of four and one-half or five per cent. It would be a good permanent investment, even at a higher rate of premium. The vast amount of money in the country which this loan has brought out has astonished everybody, and it shows the immense wealth of the nation. And in the face of wars and revolutions this wealth is being rapidly increased. The value of the wines manufactured last year far exceeded that of any previous year, and the promise is equally great for the present year. The crop of cereals this year is unprecedented, and there will be a large export. All these things tend to make the masses of the people more satisfied and contented.

* * * * *

I have, &c.,

E. B. WASHBURN.

No. 131.

Mr. Fish to Mr. Washburne.

No. 430.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that, if the sympathy which we entertain for the inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protesting power, pursuant to the obligations of the treaty between certain European States. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering, directly or indirectly, in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of the French Republic in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 132.

Mr. Washburne to Mr. Fish.

No. 679.]

LEGATION OF THE UNITED STATES,
Paris, September 5, 1872. (Received September 19.)

SIR: I have the honor to forward you herewith a copy of the correspondence between Mr. de Rémusat and myself, upon the subject of the persecution of the Israelites in Moldo-Wallachia, referred to in your dispatch No. 430, of July 22.

I have, &c.,

E. B. WASHBURN.

[Inclosure 1 in No. 679.]

Mr. Washburne to Mr. Rémusat.

LEGATION OF THE UNITED STATES.

Paris, August 9, 1872.

SIR: My Government sympathises deeply with the Hebrews who are being so inhumanly persecuted in the principalities of Moldavia and Wallachia. Mr. Fish thinks that if the feelings of the Government and the people of the United States were made known to the Government of the French Republic, it might aid in carrying out the obligations of the treaty between certain European states in respect to protection of the persecuted class. Although the Government of the United States is not a party to that instrument, and as a rule scrupulously abstains from all interference, directly or indirectly, in public affairs in that quarter, the grievance adverted to is so flagrant as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

I am happy in communicating to your excellency the views of Mr. Fish on this subject, as I feel assured they will be cordially responded to by you.

My Government will hail with satisfaction all action of the republic of France which will tend to put a termination to a series of relentless persecutions, which have become the opprobrium of Christian civilization.

I take this occasion to renew to your excellency the assurance of my distinguished consideration.

E. B. WASHBURNE.

[Inclosure 2 in No. 679.]

Mr. Rémusat to Mr. Washburne.

[Translation.]

PARIS, August 30, 1872.

SIR: Excuse me for not having sooner answered the letter of the 9th instant, I had the honor to receive from you on the part of Mr. Fish as well as of yourself, recommending to the kind interests of the French government the situation of the Israelites in the principality of Moldo-Wallachia. This situation has been several times seriously compromised; the passions of the populace and the weakness of the authorities have put their lives in peril as well as the safety of their establishments. You are undoubtedly aware that our consul-general in several instances acted with the American consul-general in making the necessary representations to the Roumanian government, with the respect due to an independent government. We never neglected to make to the consul at Bucharest observations urging justice and humanity, and we have obtained assurances for the future which respond to our wishes. You can say, sir, to Mr. Fish, that when the occasion presents itself, we shall insist that equal protection be accorded in Roumania to residents of all creeds. I am happy to say that our intentions in this respect accord with the sentiments you have expressed to me.

I take this opportunity, &c.

RÉMUSAT.

GERMANY.

No. 133.

Mr. Bancroft to Mr. Fish.

No. 298.]

AMERICAN LEGATION,

Berlin, November 20, 1871. (Received December 8.)

SIR: The session of the German Parliament will be closed on Saturday next. One of its measures was to lay aside forty millions of thalers in specie as a fund not to be used for any purpose but preparations for a campaign on the outbreak of a war. Such a reserve brings with it a

loss of two millions a year, but the measure was adopted by a great majority.

On the reform of the coinage there was a great diversity of opinion. The result has been the adoption of the measure proposed by the government, though not without some variation. The act contemplates a transition period to be followed by a definitive act establishing one uniform currency for the German Empire. The thaler and the groschen are abolished; the unit of currency is fixed at the mark, $\frac{1}{3}$ of the thaler, about 24 cents. The mark is divided into 100 parts, as the franc in France. During the interim gold and silver are alike legal tender, the relation of gold to silver being, as in France, $15\frac{1}{2}$ to 1. All gold coinage now in circulation and under weight will be withdrawn, and the old silver coinage is likewise gradually to disappear. The right to coin is not reserved exclusively to the Emperor.

The reason assigned by the German government is that one single mint could not issue the new coin fast enough to meet the public wants, and therefore every state which has a mint must take part in coining the new pieces.

A very large minority were in favor of an international coinage, but an amendment tending to that result was voted down.

The measure therefore does no more than regulate and unify the coinage of the German Empire.

On the part of Bavaria a measure has been proposed taking from the pulpit any immunity it may have had as a disseminator of sedition or treason, rendering preachers amenable to law.

The Catholics in this kingdom, constituting about one-third of the population, have always been treated by the Prussian government with forbearance and even with favor, and by the conservative party were esteemed and almost cherished as allies. But the new dogma has led to complications that have disturbed the former state of tranquillity.

In a public school the Catholics attempted the dismissal of a Catholic teacher who declined to accept the dogma of infallibility, and the government refused to remove him for that cause.

The Catholic bishops, most of whom before going to the late council were opposed to the new dogma, proceeded to address the King directly, and claim his interposition to save them from what they called an interference with the liberty of conscience. The King was most reluctant to be brought into controversy with the Roman Catholic prelates. But being forced to reply, he took his ground with decision. Fully asserting the principle of religious liberty, he reminded the bishops that they did not even pretend that any law had been infringed, reproved them for exciting discontent in the Catholics in Prussia, and offered them no way to a change except through the established constitutional channels.

I am, &c.,

GEO. BANCROFT.

No. 134.

Mr. Bancroft to Mr. Fish.

[Extract.]

No. 302.]

AMERICAN LEGATION,

Berlin, December 2, 1871. (Received December 26.)

SIR: The Americans sojourning in Berlin celebrated the national thanksgiving-day in the morning by religious services, in the afternoon

by a public dinner, at which about two hundred were present. Among the guests was Prince Hohenlohe-Schillingsfürst, late prime minister of Bavaria, during whose ministry our treaty of naturalization with Bavaria was concluded and ratified. He is now, first vice-president of the Diet of the German Empire, and is one of the purest and most enlightened statesmen of Germany. Prince Bismarck had promised us to be present, but was detained by severe indisposition. Of the high officers of the government, we had Mr. Von Philipsborn, who, in 1863, rendered us more service in bringing our naturalization treaty to a happy issue than any one except the chancellor. The Berlin University was represented by its rector, and by several of its most distinguished professors. Mr. Petre, for the interim the representative of Great Britain in Berlin, also gave us the pleasure of his company. All sections of our country were represented. The toast in honor of the President of the United States was received with a unanimity which showed how greatly the asperity of party feeling has died away, and given place to the sentiment of nationality. In reply to that toast, Prince Hohenlohe rose, of his own choice, and delivered a short speech, of which there follows an exact translation:

MOST HONORED LADIES AND GENTLEMEN: Should you travel through the small cities and market-places of my native Bavaria, especially of Franconia, you would not easily find a spot where one or more of the inhabitants are not connected, either by family ties or business relations, with the United States, and indeed it could not be otherwise. For long years of that period which lies behind us, in which legislation hindered the free development of our every-day life, America has been the refuge of thousands of industrious laborers; for long years of political wrestling she has been the refuge of many honest combatants for the cause that to-day has triumphed.

Through long years has Germany looked toward the free States of America with hope and consolation. In this way intellectual and material bands have been fastened, both of which are alike indissoluble. Every pulsation of American life is felt on this side the ocean.

In the last decade with what intenseness we watched the great battle of the United States for their Union; this battle was fought for our union, too.

In like manner have our struggles enjoyed the sympathy of the people of the United States. Of this we have received the grandest and sublimest proofs; and I am happy to-day to be allowed to express the thanks of Germany. I offer, then, this glass to the United States of America. They were a support to Germany at the beginning of our political development. They were our generous and unenvying friends in the time of our victories. They will, I am confident, be our faithful allies in the peaceful development of our greatness. Long live the United States of America!

At a later hour in the evening Mr. Von Philipsborn made some remarks on the festival as having its foundation in the purity of American family life. In the course of them he introduced the following observations:

As in the life of men so in the life of nations, there are sympathies and antipathies. Between Germany and the United States, between the United States and Germany there exist only sympathies, and I see no one point that can give rise to a doubt that it will continue so.

I have the more satisfaction in reporting to you the remarks of Prince Hohenlohe and of the ministerial director, Mr. Von Philipsborn, as they were deliberately made, and were intended to mark the sentiments of Southern and of Northern Germany, alike of governments and people toward the United States. We were all delighted at the calm and sincere manner in which Prince Hohenlohe declared that it was our success in our great struggle for union which made the union of Germany possible. Continuing the subject in conversation, he explained to me how our defeat would have given such strength to the spirit of separatism in Germany that the German States never could have formed an efficient confederation. This accorded exactly with the judgment which I had

formed. The men who fought successfully for our Union opened the way for the renovation of Germany.

* * * * *

I am, &c.,

GEO. BANCROFT.

No. 135.

Mr. Bancroft to Mr. Fish.

[Extract.]

No. 304.]

AMERICAN LEGATION,
Berlin, December 4, 1871. (Received Dec. 26.)

SIR: The session of the German Parliament was terminated on Saturday evening. The bill which with logical impartiality applied the principle of equality to all places and all persons in regard to public utterances on political subjects, obtained on the second reading a majority of seventy-one, and a still larger majority on the final vote.

In the course of the debate on the second reading, Mr. Von Lutz, the most important member of the present ministry of Bavaria, gave an account of an official interview which he had two years ago with the Roman Catholic bishop of Passau. In the course of it he remarked:

The bishop at that time made to me a thorough political exposition, in which he explained that, do what one would, the church strives for supremacy in the state. It had up to this time made the experiment with all forms of government, and had never yet attained its end. Out of absolutism in the present times, nothing more was to be made. Constitutionalism had not proved itself a suitable means for establishing the dominion of the church. Now the church was striving for other means. It would next connect itself with the democracy and the masses, in order to obtain the proposed end.

This anecdote is the more remarkable, as Mr. Von Lutz is himself a Catholic, though opposed to clerical dominion in temporal things.

It is well understood in Germany that during our civil war the sympathies of the ultramontane Catholics were strongly enlisted for the southern insurgents.

The house by a majority of sixteen on the second reading of the bill, by a larger majority on the third reading, made provision for an active army of a little more than 450,000 men for three years to come. The house, in which the liberal party had a majority, yielded this point to the government, as the best mode of commanding peace. It is the general wish to prevent war by being prepared for it.

* * * * *

I am, &c.,

GEO. BANCROFT.

No. 136.

Mr. Bancroft to Mr. Fish.

No. 343.]

AMERICAN LEGATION,
Berlin, March 18, 1872. (Received April 4.)

SIR: The union of the twenty-five German states, forming the leading power in Central Europe, with a Protestant at its head as Emperor, alarms the ultramontanes. In their desire for power they aim at introducing divisions between branches of the German people, as well as

between the German princes, and at obtaining the sole direction of the education of the Catholic population.

Prince Bismarck met the danger by a measure marked by equal firmness and moderation. His policy asserts at once freedom of religious opinion and freedom of the state from ecclesiastical interference. He vindicated for the state the right of superintending the education of its children, and while alike the Catholic and the Protestant clergy are still to be employed in the superintendence of the public schools, their inherent right to do so independent of the state and in defiance of the state is denied. This is the extent of the measure which has been adopted in Prussia for regulating the supervision of schools. Baden has gone further, and has denied to members of the Jesuit and other religious orders permission to take part in public instruction.

The bishops, particularly in the eastern part of this kingdom, support the decisions of the late council at Rome by frequent excommunication.

Now, there is a clause in the Prussian code which secures every Prussian against the forfeiture of any civil right on account of religious opinion. The government therefore holds itself bound to devise measures which shall make the sentence of excommunication harmless in all that regards civil rights. It is hard to say how far this antagonism may extend, so closely have the family relations been connected with the church. It may become necessary to give to marriage in all cases the character of a civil contract; then in schools and universities to maintain Roman Catholic professors and teachers in their places in spite of their having incurred the censure of Roman Catholic prelates.

The question is extending necessarily to church property. The right of the schismatic priest to continue his functions is not to be denied; and not being displaced, he is to continue to enjoy the income belonging to his office.

Men look further, and ask after the ultimate disposition of the endowments of the Catholic Church in the states of Germany, and it begins to be said that the old Catholics must have their share.

The political aspects of the question manifest themselves still more clearly. The minister of public worship and instruction in Austria, swayed perhaps in some measure by a desire to conciliate Catholic influence in favor of the settlements of the Gallican and electoral questions, has issued a circular which scarcely leaves any rights to the old Catholics, as they are called, while in Germany they are to retain all their rights. In France the ultramontanes are storming the assembly with petitions, having for their object the re-establishment of the temporal power of the Pope; but by such a measure Catholic France and Catholic Italy would come into collision, and the dread of it forces Italy into closer relations with Protestant Germany.

Thus the movement which was initiated in order to divide the people and the princes of Germany only serves to consolidate their union.

I remain, &c.,

GEO. BANCROFT.

No. 137.

Mr. Bancroft to Mr. Fish.

No. 351.]

AMERICAN LEGATION,

Berlin, April 9, 1872. (Received April 25.)

SIR: The German Parliament was opened yesterday by Prince Bis-

mark. Notice was made in the Emperor's speech of the consular treaty with the United States, which will be at once laid before Parliament, and undoubtedly receive its approbation. Nothing else in the speech deserves your particular attention, except the reiterated assertion that the unity of Germany is a guarantee of the peace of Europe.

I remain, &c.,

GEO. BANCROFT.

No. 138.

Mr. Bancroft to Mr. Fish.

No. 364.]

AMERICAN LEGATION,

Berlin, May 14, 1872. (Received June 6.)

SIR: The exceedingly large emigration this spring to the United States is exciting much comment, and among the agriculturists not a little dissatisfaction. The German papers have been for some weeks filled with letters and articles complaining of it as an evil, and suggesting all sorts of remedies. The discussion has now reached Parliament.

Here are a few extracts:

The Pommeranian Agricultural Society at its recent general meeting passed resolutions—

1. To request the chancellor of the empire to enjoin upon consuls in America to ascertain how many able-bodied laborers there are in the ports of America who would be disposed, upon condition of a free passage, to return to Europe.

2. To recommend a greater stringency in the police laws regulating emigration.

A late number of the Official Gazette at Coslin contains a summons to two hundred and forty young men liable to military duty out of one district alone, (that of Stolp,) to appear for enlistment. Besides these, "Landwehr" men in great numbers are cited, but always in vain.

The district of Lauenburg, with a population of 41,000, has sent to America this spring already 1,500 souls. Nor is this all, for every fortnight there are now going some 300 to 400 more.—*Speech in the Diet of Herr Von Densin.*

Some of the journalists and of their correspondents affect to regard this excessive emigration as the result only of the enticements of interested agents, and profess much sympathy for the deluded victims, who are represented as longing only to get away again from the promised land, if they had but the means. But the more intelligent, or the more candid, see in it only the natural result of evident causes.

Upon a petition being recently presented to the Diet by emigrant-agents at Bremen to regulate by legislation the business of emigrant-forwarding as a trade, the committee to whom the matter was referred reported in favor of such legislation. The same committee recommended to Parliament not to entertain the proposition of some landholders of Pommerania to abolish emigrant-agencies, and declared—"That the emigration fever which at present appears in a remarkable degree to prevail throughout Germany, has its source in far deeper reasons than the reductions of emigrant-agents. It is not agents so much as their fellow-countrymen who are already over there, and who, justly or not, laud their condition."

To give an idea of the extent of the emigration which is exciting so much attention, I subjoin the figures furnished me from the three principal ports, Bremen, Hamburg, and Stettin, of the emigration in the first four months of this year. The numbers in this and the following months will be, from all appearances, as large.

The three steamship-lines which run from the above ports are exert-

ing themselves to meet the great demands made upon them. Eight steamers in this month are advertised to sail from Hamburg alone to New York, from Bremen seven ; so that, without reckoning those from Stettin, a steamer will leave Germany for New York every other day in the month.

In this connection I have to report to you that communities of the sect called Mennoniten, now settled in West Prussia, and numbering some 25,000 souls, are seriously contemplating emigration to America. Their principal motive is the avoidance of military service, which their creed forbids. They are reputed to be a thrifty, temperate, and industrious people, and I am assured that they are among the best agriculturists in Germany.

The elder of one of these communities recently wrote to me to ascertain what guarantee our Government could give to his brethren, in case of their emigration, of immunity from military service in the event of war. I acquainted him with the provisions of our enrollment law in the late war in favor of similar sects, as indicating a degree of immunity of which they might feel assured in case of war.

I beg you to instruct me to what extent you can authorize me to satisfy them of their exemption from military service in the United States.

I remain, &c.,

GEO. BANCROFT.

Statement of emigration to the United States from the ports of Bremen, Hamburg, and Stettin, in the first four months of 1872.

From Bremen.....	25,584
From Hamburg.....	17,870
From Stettin.....	1,915
Total.....	<u>45,369</u>

No. 139.

Mr. Bancroft to Mr. Fish.

No. 374.]

AMERICAN LEGATION,

Berlin, June 17, 1872. (Received July 3.)

SIR: How to deal with the Jesuits in Germany became a topic of earnest consideration only a few weeks ago ; and to-day, after a debate of five hours, the Diet has come to a decision such as was expected to be arrived at ultimately, but which goes beyond what had been expected of the present session.

The first form of a measure against the Jesuits was founded on the principle that no man can at the same time owe allegiance to two different powers, and that a member of the society of the Jesuits is so devoted to the head of his order that he may be considered as capable of primary allegiance to no other power. It was, therefore, suggested that the German Jesuits should be considered as having forfeited their German citizenship by their vows of allegiance to a foreign chief, and so be liable at any time to receive notice to depart from the German soil; yet

it was objected that the German, thus deprived of his indigenous character, would be left without a country, and could nowhere rightfully claim residence.

When, in 1767, the Jesuits were expelled from Spain and sent to the papal dominions, the Pope himself would not suffer them to land, and they were compelled, for a long time, to beat about upon the Mediterranean. This first-proposed solution of the question soon fell into disfavor. The next suggestion confined itself to the application of German law to the case. The inter-citizenship of Germans, of all the German states, is established by statute. It was proposed to except the Jesuits from this right of establishing themselves where they please within any German territory; so that a Jesuit of Bavarian birth might be confined to Bavaria. But this suggestion found in the Parliament very little favor, from its feebleness and inefficiency.

The members of the Parliament, therefore, resolved to prepare a measure of their own; and they did it in a manner which, I believe, has never been practiced in Congress. The Diet is not divided into two parties, but into a variety of factions, such as the conservative, the free conservative, the German national, the anti-national or so-called center, the liberal national, the party of progress, and the extreme radicals. These parties assembled, each in its own caucus, to deliberate on the subject. The committees from those of them most favorable to German union met in conference and constructed a bill, which they agreed to move as a substitute for the bill of the government. Accordingly, to-day they brought in their amendment:

The order of the Society of Jesus, and its kindred orders and congregations, are excluded from the territory of the German Empire. The founding of their establishments is forbidden. All existing establishments are to be dissolved within six months. Foreign members of these orders or congregations may be banished from the empire. Native members may be refused residence, or compelled to residence, in fixed districts or places.

The amendment was carried, by a vote of 183 to 101—a great vote when it is considered that the minority was composed, in part, of liberals and radicals and socialists, who objected to the measure, not from any want of sympathy with the majority, but from fear of a precedent. The number of votes friendly to the Jesuits did not exceed 63.

Two circumstances are worthy of your attention on this occasion. First, the measure is the spontaneous act of the Diet, and goes far beyond anything which the council of the German Union was willing to propose, though not beyond what it is willing to accept. Next, it is an enactment of the German Parliament for all Germany, and becomes the law even for states and provinces where the Catholics form a majority.

The tendency of the public mind has been further manifested by a proposition made by a member of Parliament, and supported by liberals of all factions, requesting the chancellor of the empire to prepare and lay before the next session of the Diet a law making a civil marriage in all cases obligatory.

I remain, &c.,

GEO. BANCROFT.

No. 140.

Mr. Bancroft to Mr. Fish.

No. 376.]

AMERICAN LEGATION,
Berlin, June 24, 1872. (Received July 13.)

SIR: The proposition to invite the chancellor of the German Empire to prepare and lay before the next session of the diet a law rendering marriage by civil forms obligatory in all cases throughout the Empire, was adopted by a vote of 151 against 100. The proposer of this measure was a Bavarian; many of the minority will, in the end, not be hostile to it. Here is another instance of the exercise by the central government of jurisdiction on questions relating to persons and families. It is justified by the necessity of providing for the legal marriage of Catholics who reject the dogma of papal infallibility, and who, as a consequence, are excluded from the sacraments of the Catholic church.

The law dissolving the corporations of the Jesuits in Germany has met the approval of the council (*Bundesrath*) of the German Union. The decisive policy adopted by this government attracts universal attention in Europe, and finds in Catholic countries many of those who approve it most warmly. The kingdom of Bavaria had long ago excluded the Jesuits from its territory. The new law strengthens its hereditary policy.

Another question of a very grave nature is likely to arise. It is said that the Pope has directed the election of his successor to be made immediately on his decease, even before his burial. An election so made by the cardinals who chance at the moment to be in Rome would give the election entirely into the hands of the friends of the order of Jesuits. It is held in these regions that an election so conducted, contrary to all precedents, could not claim to be received as valid. The accepted dogma of infallibility secures to the Pope the means of interfering with the administration of each bishopric, as well as absolute power over the consciences of the members of the Roman church. The question is raised whether the German Empire could consent to the election of a pope who would be its deadly political enemy, if he should be chosen in a manner conflicting with long-established usage.

In a word, the antagonism between the German Empire and the absolute power of the Pope seems likely to continue, and the good will of Italy, at least, as well as that of a large part of the Catholic population in the Austro-Hungarian Empire inclines to the side of Germany; in France, on the contrary, the aged Guizot demands the restoration to the Pope of his temporal dominions, and even Rénan advises the liberals of France to a truce with the Jesuits.

I remain, &c.,

GEO. BANCROFT.

No. 141.

Mr. Bliss to Mr. Fish.

No. 384.]

AMERICAN LEGATION,
Berlin, July 15, 1872. (Received July 31.)

SIR: Great attention is bestowed in Germany upon the preservation and culture of the forest. A code of laws and perfected system of treat-

ment have grown up in each state upon the subject. The administration of the forest constitutes an important branch of the public service, employing a highly intelligent class of officials who are educated for the purpose in excellent schools. /

The experience acquired in the care of the public domain, and a knowledge of the most approved methods of forest economy, are hence disseminated and become available for the private possessor, for parishes, &c., not under the control of the state, while the most essential prohibitory laws for the protection of the forest in some districts are obligatory upon all.

The recent extensive conflagrations in some of the northwestern States, and the observable effects upon the climate from the loss of forest, as well as the dearth of timber felt in some sections, are attracting attention in America to the importance of the subject.

I have been at some pains to procure from the several German governments, through the kindness of their representatives here, copies of their laws and publications in this branch.

Those of Prussia and of Baden I have forwarded some time since to the State library of Wisconsin.

I send two volumes of the Bavarian laws and system of culture, and eight volumes of the laws and method of administration of the Grand Duchy of Hesse. I beg that you will cause these volumes to be placed where they will be most likely to be of use in promoting knowledge of the subject. Perhaps the library of the Department of Agriculture would be their most appropriate place of deposit.

I have, &c.,

ALEXANDER BLISS.

No. 142.

Mr. Fish to Mr. Bancroft.

No. 495.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it as it were a cosmopolitan character in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of the German Empire in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 143.

Mr. Bancroft to Mr. Fish.

No. 391.]

AMERICAN LEGATION,
Berlin, August 26, 1872. (Received September 11.)

SIR: The note which, in conformity with your instruction, No. 495. addressed to this government respecting the protection of the Israelites in Roumania, met with the most friendly reception at the foreign office and has been submitted to the Emperor.

In a conversation with the acting secretary of state for foreign affairs, on Saturday, I was assured that this government received the communication with great satisfaction, as an evidence of the confidence reposed in it by the Government of the United States, and has the best disposition to give effect to the humane desires expressed by the President.

I remain, &c.,

GEO. BANCROFT.

GERMAN LEGATION IN WASHINGTON.

No. 144.

*Mr. Schlözer to Mr. Fish.*IMPERIAL GERMAN LEGATION,
Washington, October 28, 1872. (Received Oct. 29.)

ESTEEMED SIR: A statement was published in July last by the American press to the effect that the German government was seeking to prevent emigration to the United States, and had adopted stringent measures for this purpose.

These measures were entirely unknown to me.

As, however, the report continued in circulation, I addressed Prince Bismarck, asking for information in regard to the matter.

I have this day received a dispatch from the chancellor of the Empire, a copy of which I have the honor to inclose. According to this dispatch no measures have been taken to lay any obstacles in the way of emigration, and the statements published by the press were totally unfounded.

In the interest of the friendly relations which exist between the Government of the United States and that of Germany, I have deemed it my duty to bring the above to your notice. Should you think proper to contradict those false reports, and to furnish information to the press on the subject, I should be very much obliged to you.

Accept, sir, the renewed assurance of my most distinguished consideration.

SCHLÖZER.

Mr. Delbrück to Mr. Schlözer.

OFFICE OF THE CHANCELLOR OF THE EMPIRE,
Berlin, October 12, 1872.

In reply to your dispatch of the 27th of September last, I have to say that the government of the German Empire has issued no orders interfering with or forbidding the emigration of Germans to the United States of America. Neither, so far as is known, has the government of any state belonging to the empire adopted any measure of this kind.

The reports on this subject which may be circulated by the American press are therefore to be characterized as entirely without foundation.

I request you to contradict, emphatically, all such reports in such manner as you may think most proper.

For the chancellor,

DELBRÜCK.

The Imperial German Minister, BARON VON SCHLÖZER,
Washington.

No. 145.

Mr. Fish to Mr. Schlözer.

DEPARTMENT OF STATE,
Washington, November 2, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, inclosing a copy of a dispatch addressed to you by the chancellor of the German Empire, from which it appears that no measures have been taken by that government to obstruct emigration to the United States, and that the statement published to that effect in the press of the country in June last is without foundation.

In compliance with your request I have caused the substance of the chancellor's note to be promulgated through the public press.

Accept, &c.

HAMILTON FISH.

No. 146.

Mr. Schlözer to Mr. Fish.

IMPERIAL GERMAN LEGATION,
Washington, November 20, 1872. (Received Nov. 20.

HIGHLY ESTEEMED SIR: On the 28th ultimo I had the honor to inform you that my government had adopted no measures for the prevention or prohibition of emigration to the United States.

You thereupon had the kindness on the 2d instant to apprise me of the information which, in view of my communication, you had furnished to the press of this country.

While I offer you, highly esteemed Mr. Secretary of State, my warmest thanks for this manifestation of friendship, I take the liberty of making at the same time the following very respectful remark:

According to the newspapers, the Prussian government has ordered that emigrants shall in future not be transported at reduced rates upon our railways.

This order is an apparent contradiction of my communication of the 28th ultimo. It is explained as follows:

• There was a time when the population of Germany had attained such

proportions numerically that the government found itself obliged to favor emigration in every way.

It was ordered at that time that emigrants should receive railway transportation at lower rates than other travelers.

Two great wars have meanwhile had their unavoidable effect upon the population of Germany, and emigration, which deprives the country of its laboring force, and the army of its material, can no longer appear desirable, and can, therefore, no longer be encouraged, as it formerly was, by the government.

There is, however, I think, an evident difference between the discontinuance of a temporary encouragement of emigration and a direct prohibition or prevention of the same.

I have been induced to make this statement by a desire to prevent any misunderstanding which might arise.

Accept, &c.

SCHLÖZER.

G R E A T B R I T A I N .

MISCELLANEOUS CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE, THE LEGATION OF THE UNITED STATES IN LONDON, THE BRITISH LEGATION IN WASHINGTON, &c.

PERSECUTED HEBREWS IN MOLDAVIA AND WALLACHIA.

No. 147.

Mr. Fish to Mr. Schenck.

No. 240.]

DEPARTMENT OF STATE,

Washington, July 20, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power, pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with Her Majesty's principal secretary of state for foreign affairs, in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH. •

No. 148.

Mr. Schenck to Mr. Fish.

[Extract.]

No. 317.]

LEGATION OF THE UNITED STATES,
London, October 8, 1872. (Received Oct. 23.)

SIR: As soon after the reception of your No. 240 as an opportunity for conversation on the subject of it with Earl Granville could be arranged, I brought it to his lordship's attention. I stated to him the substance of your dispatch. I explained that, although the Government of the United States was not a party to the treaty whereby certain of the European powers had become bound to use their endeavors to secure protection for the persecuted Jews in the principalities of Moldavia and Wallachia, and although, as a general rule, my Government scrupulously abstained from interfering in any manner with public affairs in distant quarters, yet such was the deep sympathy of the President and our people in the unhappy grievances and the inhuman oppressions to which those of the Hebrew race appeared to be subjected in their Roumanian homes, that I was instructed to communicate with him on the subject.

It was thought that the assurance of that sympathy might perhaps quicken and encourage Her Majesty's government in any effort they might be making to alleviate the condition of the sufferers. Their wrongs were such that all countries, governments, and creeds were alike interested in doing whatever was possible, or using whatever influence they could to help bring about some measure of redress for them.

Lord Granville responded very promptly and unreservedly. He said that the attention of Her Majesty's government had been anxiously turned to the subject; that they had made various representations to the government of Roumania, but that he could not pretend that these representations had produced much result.

Lord Granville concluded by saying that he believed a general expression of the public opinion of the world would have more effect than any particular means which governments could take. But he assured me that he should be most happy to communicate freely on the matter with the Government of the United States as to anything which could be done and which might have practical effect. Our whole interview and conversation were very satisfactory to me, as showing an earnest and friendly disposition on the part of Her Majesty's government to welcome the moral support that may be given them by our Government and people on this interesting question.

I am, &c.,

ROBT. C. SCHENCK.

BOUNDARY-LINE BETWEEN THE LAKE OF THE WOODS AND THE ROCKY MOUNTAINS.

No. 149.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, May 11, 1872.

SIR: Referring to the correspondence and conversations which have

passed on the subject of the boundary-line between the United States and the British possessions in North America, from the Lake of the Woods to the Rocky Mountains, I have now the honor to inform you that Congress has authorized the President to co-operate with the government of Great Britain in the appointment of a joint commission to determine the said boundary-line, and to inquire whether any measures have been taken for this purpose by your government.

As the season is advancing, it is desirable that the joint commission should be organized as early as possible.

I have, &c.,

HAMILTON FISH.

No. 150.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, May 13, 1872. (Received May 14.)

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, and to inform you that in consequence of your verbal communication to me on the 10th instant, I announced to Earl Granville by telegraph on that day that the President was prepared to co-operate with Her Majesty's government in the appointment of a joint commission to determine the boundary-line between the United States and the British possessions in North America from the Lake of the Woods to the Rocky Mountains.

I shall also forward a copy of your note of the 11th instant to his lordship by the first opportunity.

I have, &c.,

EDWD. THORNTON.

No. 151.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, May 17, 1872.

SIR: With reference to your note of the 11th instant, I have the honor to inform you that, in reply to a telegram which I addressed to Earl Granville, his lordship has instructed me to announce to you that Captain Cameron, of the royal artillery, will be appointed Her Britannic Majesty's commissioner to survey the northwest boundary, and to add that Her Majesty's government would be glad to learn the views of the Government of the United States as to the commencement of the operations.

If it should appear to you expedient, orders would be given to Captain Cameron to proceed to Washington for the purpose of making the necessary arrangements in concert with the commissioner who may be appointed on the part of the Government of the United States.

I have, &c.,

EDWD. THORNTON.

No. 152.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, June 10, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, informing me of the appointment of Captain Cameron, of the royal artillery, as Her Britannic Majesty's commissioner to survey the northwest boundary, and that Her Majesty's government would be glad to know the views of this Government in regard to the commencement of the operations, and stating that if it should appear to be expedient, orders would be given to Captain Cameron to proceed to Washington for the purpose of making the necessary arrangements in concert with the commissioner who may be appointed on the part of this Government.

I have the honor to announce to you, for the information of Her Majesty's government, that the President has appointed Archibald Campbell, esq., commissioner on the part of the United States.

With reference to the points upon which you desire information, I have to inform you that they will receive early attention, and I shall then recur to the subject.

I have, &c.,

HAMILTON FISH.

No. 153.*Mr. Hale to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, July 3, 1872.

SIR: With reference to previous correspondence, relative to the survey of the boundary-line between the Lake of the Woods and the Rocky Mountains, I have now the honor to inform you that the commission on the part of the United States is now organizing, and to request that you will inform the Department whether it will be convenient for the commissioner on the part of Great Britain to visit Washington; and, if not, that you will be pleased to suggest some other place of meeting, in order that a conference may be held between the commissioners previous to their departure for the field.

I have the honor, &c.,

CHARLES HALE,
Acting Secretary.

No. 154.*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, July 4, 1872. (Received July 5.)

SIR: In reply to your note of yesterday, I have the honor to inform you that as soon as it was announced to Her Majesty's government that the United States Government was prepared to carry out the survey of

the northwest boundary between the Lake of the Woods and the Rocky Mountains, and that Mr. Archibald Campbell was appointed as commissioner for that purpose, Captain. Cameron was also appointed in the same character on the part of Her Majesty's government. The preparation of the necessary instruments was at once taken in hand, and Captain Cameron was instructed to proceed to Washington for the purpose of putting himself in communication with Mr. Campbell, with a view to arranging the plans for their future proceedings.

I have, &c.,

EDWD. THORNTON.

POSITION IN WHICH AMERICAN FLAG WAS HOISTED ON BOARD THE AMERICAN SCHOONER JAMES BLISS AFTER HER SEIZURE BY CANADIAN AUTHORITIES.

No. 155.

Mr. Holt to Mr. Fish.

[Telegram.]

GASPÉ, June 20, 1872. (Received June 20.)

Hon. H. FISH, *Secretary of State, Washington, D. C.:*

Schooner James Bliss, of Gloucester, seized for alleged violation of fishery laws. * * * Remonstrated energetically against position of flags, Dominion over American.

GEO. H. HOLT.

No. 156.

Mr. Holt to Mr. Hale.

UNITED STATES CONSULATE,
Gaspé Basin, June 20, 1872. (Received June 27.)

SIR: I have the honor to report to you, in a hurried manner, the mail-steamer leaving in a few minutes, that the schooner James Bliss, of Gloucester, Massachusetts, was brought into this port about midday, under seizure for alleged violation of the fishery laws, by Commander Lachance, of the Dominion marine-police cutter Stella Maris. The vessel is owned by Parsons, Second & Co., Gloucester. The captain's name is Allan MacIsaac; says he lives at Gloucester. Born at Cape Breton, Nova Scotia.

The captain appears to be very little interested in the fate of his vessel. Says consuls can't help him, and evidently lacks American spirit. I found that after the seized vessel had been about three or four hours in port, that the commanding officer ordered the Dominion flag to be hoisted over the American at the mast-head of the James Bliss, probably for the gratification of some of the folks here.

Colonel MacNiel, the aid-de-camp of Lord Lisgar, pointed it out to me in the most friendly way, and expressed his regrets that the Canadians should act in such an unbecoming manner and evince such bad taste. I immediately sought an interview with Commander Lachance, but first met Captain Allan MacIsaacs, and asked him if he had not offered objections to the spectacle of his flag. He had not before noticed it, he

said, and we proceeded to the rendezvous of Captain Lachance's friends, where he was to be found, and there notified him that, as a representative of the United States, I begged to assure him that he had placed the dags in a most unbecoming and insulting position, perfectly unjustifiable, and that it became my duty to report it to my Government. He replied that the Queen's regulations ordered it, to which I expressed a doubt. He disclaimed meaning any insult, and I believe him, but attribute the unfortunate error to his ignorance and the encouragement of his friends.

I have just telegraphed to the Department the substance of the foregoing. It is now about sundown, and the flags remain as for the exhibition of many surprised people.

Your very, &c.,

GEO. H. HOLT, *Consul*.

No. 157.

Mr. Holt to Mr. Fish.

[Telegram.]



GASPÉ, QUEBEC, *June 21, 1872.* (Received June 21.)

Hon. HAMILTON FISH :

The scandalous action of hoisting the Dominion flag over the American, on the schooner James Bliss, is repeated this morning, and remains so.

GEO. HOLT, *Consul*.

No. 158.

Mr. Fish to Mr. Holt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 21, 1872.

GEO. H. HOLT, *Consul, Gaspé, Canada :*

Report full particulars of schooner James Bliss.

HAMILTON FISH.

No. 159.

Mr. Holt to Mr. Fish.

[Telegram.]

GASPÉ, QUEBEC, *June 22, 1872.*

Schooner James Bliss, of Gloucester, seized by cutter Stella Marie, on 18th, off Anticosti, for alleged in-shore fishing, arrived here 20th.

Lachance, commander of cutter, after landing and going on board again, ordered flags hoisted as reported, and the Union was upside down. Immediately interviewed Lachance, remonstrated and objected as insulting to United States. He said he acted by orders; meant no insult. Offense repeated next morning, but American flag not upside down. Lavoie, senior of Lachance, arrived; directed his attention to spectacle of flags, desired him to rectify fault; agreed to, but about thirty minutes after vessel sailed for Quebec with flags flying. Captain of schooner originally from Nova Scotia. Did not desire consul's assistance; reported to consul-general and consul at Quebec. Believe Lachance was encouraged to act by shore influence, but respectable people express regret.

G. H. HOLT, *Consul.*

No. 160.

Mr. Holt to Mr. Hale.

[Extract.]

No. 40.]

UNITED STATES CONSULATE,
Gaspé Basin, June 24, 1872. (Received July 3.)

SIR: I had the honor to report by telegram to the Department on 21st instant that the gross indignity offered to the United States had been repeated by again hoisting the United States flag beneath the Dominion flag, at mast-head of American schooner "James Bliss," of Gloucester, under seizure for alleged inshore fishing, under orders of Mr. L. H. Lachance, commanding marine police schooner *Stella Maris*.

On the 22d instant I received and replied to the Department's telegram, and I trust that my omission to develop by the wires the actual position of the "James Bliss" at time of seizure will meet with approval. I considered that it would be unadvisable to state through a channel not quite private the admission which Captain Allen Mac Isaacs had made to others as well as to myself. * * * He was, I must say, singularly reticent for a man in his position, and it was only by direct questions that I obtained the little information that I got from him. * * Upon discovering the offensive position of the flags on his vessel, I informed him that if he did not care about my looking after his vessel, it was my duty to take care of his flag, and with him sought and found Mr. Lachance. Upon stating to Mr. Lachance in clear and explicit terms the object of my calling on him, he replied with earnestness that he was following the Queen's orders; (?) that he did not mean any insult, and then called for "Gauthier," a young man who is a secretary in the marine police, (then in the adjoining room.) Mr. Gauthier hurried out, and, upon learning of my complaint, seemed to assume to take charge of the affair, and to inform me that I was quite wrong—that it was usage—and in accordance with orders. Mr. Gauthier was somewhat vehement; Mr. Lachance somewhat nervously intervened with, "And now, Mr. Consul, what authority have you to show that I have no right to place the flags so? But rather than it should make trouble, I will not carry out the orders." To this I reiterated that it was offensive, and an insult to the United States, and would not be tolerated, and my duty was to represent it to my Government. I suppose that Mr. Lachance regretted the awkward course he had pursued, and would immediately

make some amends, but these flags only came down at the same time with the other flags in harbor, at sunset. Next morning I was much surprised to see that the matter appeared to have assumed the aspect of defiance (truly a rather ludicrous one) by the repetition of the offense.

I was informed by a gentleman that he had heard that Mr. Lachance had received approval of his course from Ottawa, (by telegraph.) Mr. N. Lavoie, commanding the marine police schooner "*La Canadienne*," now arrived at this juncture, and I immediately waited upon him as he landed, he being the senior, in the service, of Mr. Lachance, and directing his attention to the spectacle of the flags on the *James Bliss*, officially requested him to terminate it. He replied that "he had noticed it," and that I "must protest." I said I had already done my duty that way; and then—as we had held very friendly intercourse always on meeting—I took the liberty of advising him to take the responsibility of countermanding the order of Mr. Lachance; he replied that he would do so; that he did not at all approve of the thing, and would not have done it himself; but *he did not interfere*; perhaps thought it best not to meddle with it; and, within the hour, the schooner *James Bliss* sailed for Quebec, in charge of Mr. Lachance, with the flags still at the mast-head as she left the port, exhibiting this shameful scene to the last—a sight of exultation to some, of surprise and deep regret to others, and indignation to myself; but I trust that the people here who have *enjoyed this sight*, will be indulged with another—the *apology*. When the flags were first hoisted together, I am assured, though I did not see it—when I first noticed them, there was but little wind, and they *drooped together to the mast*—that the United States flag was placed *upside down*, beneath the Dominion. Whether this additional indignity to the flag was the result of accident or the recklessness of bravado, I am unable to say. It will appear, probably, by the affidavits of the captain and crew of the *James Bliss* before the consul at Quebec.

Colonel McNiell, military aid-de-camp to Lord Lisgar, happened to be here and witnessed the whole affair, and expressed himself to me and to others in terms of strong condemnation of the act; indeed, telling me that if he were not at the moment leaving the country, he would report it to Ottawa himself. He was then taking the steamer to meet Lord Lisgar, in ocean steamer at Father Point, *en route* for England. The unmistakable tone of Colonel McNiell had a decided effect in modifying the tone of others.

I have much doubt as to whether this disgraceful proceeding originated with Mr. Lachance, for it was not until he had landed, been with bad advisers, and returned to his vessel, that the flags, some three hours after his arrival, were hoisted as described.

The schooner *James Bliss*, of Gloucester, Massachusetts, owned by William Parsons, 2d, & Co., Allan Mac Isaacs, master, born in Cape Briton, Nova Scotia; claims Gloucester as residence, (but seemed doubtful about it;) twelve men on board all told; had salt provisions and fish on board. The vessel was seized off East Point of Anticosti on 18th instant, brought to this point on 20th. The *Stella Maris* had been but a short time before delivering oil to the light-house, and, rounding the point suddenly, came upon the *James Bliss* unexpectedly. Such a sight as has been witnessed here of the "stars and stripes" reversed and beneath the Dominion flag, hoisted at the mast-head of an American vessel, by Canadians, would have (if at all) existed but momentarily, I believe, had a ship of war of the United States been at hand; and I deem it right to respectfully suggest to the consideration of the Department the propriety of recommending that the fishing-grounds of

the gulf and this port should be occasionally visited by one of our national war-vessels. It is a measure I consider of much importance toward reminding Dominion officials and people that there are guns behind the flag, a fact they appear to have forgotten, and improving their intelligence by the serious reflections a sight of them would awaken.

The collector of the port has some anxiety for the fate of the schooner James Bliss, and Mr. Lachance, the Dominion officer in charge of her, who has but five men of his crew with him. The crew of the fisherman numbers, all told, twelve men. If any other man, almost, than Allan Mac Isaacs was their captain, I should not be surprised to hear that the notable occurrence of the Emily St. Pierre had been repeated on board the James Bliss while bound to Quebec. In comparison with the case of the improper treatment of the British flag in the prize schooner James Campbell, (recorded in the volume Diplomatic Correspondence, 1862, pages 244 and 245,) the case of the James Bliss appears very serious, for I regret to say that it has none of the extenuating circumstances of the former, but, on the contrary, bears the disagreeable feature of defiance, by repetition, after an official remonstrance and objection.

It may be proper for me to explain, to account for the apparent tardiness of this dispatch, that the mail-steamers leave here but once a week, (Thursdays.) * * * * *

I have, &c.,

GEO. H. HOLT, *Consul.*

No. 161.

Mr. Hale to Mr. Holt.

No. 27.]

DEPARTMENT OF STATE,
Washington, June 29, 1872.

SIR: Your brief telegrams, under date of 20th and 21st instant, came duly to hand; the former received on the evening of the 20th. On the morning of the 21st a telegram was addressed to you in the following terms: "Report full particulars of the schooner James Bliss." Soon after the dispatch of this telegram, yours of the 21st was received, and on the 22d a report at length was received from you by telegraph, purporting to describe all the circumstances of the case, and announcing the departure of the vessel from the harbor of Gaspé.

Your written dispatch, not numbered, under date of the 20th, has since come to hand. Your proceedings in taking note of the circumstances which you have reported, and in bringing them to the attention of the proper Canadian authorities to whom you had access, are approved. Nothing whatever could be done at the moment other than what you did, namely, to call attention in the proper quarter to the apparent indecorum exhibited by the officer who made the seizure. You deemed yourself authorized to do this without special instructions, and it would have been strange had you deemed otherwise.

The circumstance mentioned in your written dispatch, but omitted in your telegraphic reports, that you were indebted to Colonel McNiell, aide-camp of the Governor-General of Canada, for pointing out to you "in the most friendly way" the act of the officer making the seizure, and that Colonel McNiell expressed "his regrets that the Canadians should act in such an unbecoming manner and evince such bad taste,"

is deemed material to a fair statement of the case, as this circumstance goes far to prove that the incident was the unauthorized act of a subordinate official, and was of such character as to be disavowed, in advance of any complaint on our part, by a gentleman holding a high position in connection with the administration of the Dominion government.

I am, &c.,

CHARLES HALE,
Acting Secretary.

No. 162.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, July 20, 1872. (Received July 22.)

SIR: You may remember that you recently made some remarks to me, unofficially, as to communications which had been received by the Department of State from the consul of the United States at Gaspé relative to the position in which the American flag was hoisted on board the American schooner James Bliss after her seizure by Canadian authorities. Anxious as I have ever been to prevent everything which may give rise to the least unfriendly feeling between the two nations, I thought it expedient to address a confidential dispatch upon the subject to the Governor-General of Canada.

I have now the honor to inclose copy of a dispatch which I have received from Lord Dufferin, accompanied by a report of the committee of the privy council of the Dominion, from which you will perceive that the Canadian government disavows any intention of showing disrespect to the flag of the United States, and has ordered the practice of placing one flag over another under such circumstances to be discontinued.

I have, &c.,

EDWD. THORNTON.

[Inclosure 1.]

Lord Dufferin to Sir Edward Thornton.

CANADA, RIVIÈRE DU LOUP, July 13, 1872.

SIR: I have the honor to forward to you a minute of the privy council of the Dominion, respecting the alleged hoisting of the American flag, with the union downward, under the British flag, on the American schooner James Bliss, and I have to request you to inform the Secretary of State of the United States that before the incident in question was brought to the notice of the privy council of the Dominion by your dispatch, dated 25th June last, steps had already been taken to investigate the circumstances of the case as reported in the newspapers, and that this investigation is now being proceeded with.

In the mean time, however, my government is anxious to disavow in the amplest manner any intention to show disrespect to the flag of the United States, and they have at once ordered the unseemly practice of placing one flag over another in cases of a similar character to be discontinued.

I have, &c.,

DUFFERIN.

[Inclosure 2.]

Copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General on the 8th July, 1872.

On a memorandum, dated July 3, 1872, of the honorable the minister of justice, to whom was referred the confidential dispatch of Sir Edward Thornton, dated 25th June last, on the subject of the alleged hoisting the American flag, with the union downward, and under the British flag, on the American fishing-schooner James Bliss, report-

ing that, before this incident was brought to the notice of the council by this dispatch, steps were taken to have an investigation into the circumstances as they were stated in the newspapers.

That this investigation is now being proceeded with, and, meanwhile, he recommends that your excellency be pleased to inform Sir Edward Thornton that the Canadian government disavows any intention to show any disrespect to the flag of the United States, and stating that they will see that strict inquiry is made into the facts, and that they have ordered the practice of placing one flag over the other in case of similar captures to be discontinued.

The committee concur in the foregoing report, and advise that a copy of this minute be transmitted to Sir Edward Thornton.

Certified:

W. A. HINSWORTH, C. P. C.

No. 163.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, July 24, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, relative to the unseemly position in which the flag of the United States was placed on board the captured schooner James Bliss, in the harbor of Gaspé.

I am gratified to learn that the matter had attracted the attention of yourself and of the Canadian authorities, in anticipation of any observations on the part of this Government, and I note with satisfaction that an investigation into the facts is in progress.

It appears by your note, and the papers accompanying it, that the privy council of Canada, Lord Dufferin, the Governor-General of that Dominion, and yourself, unite in disavowing that there was any intention of showing disrespect to the American flag, and that orders have been given to prevent the placing of one flag over another, under such circumstances, in future.

It only remains for me to express my thanks for the prompt measures which have been taken by yourself and the Canadian authorities, to do away with the unpleasant impression produced by the error of the captain of the vessel who made the seizure of the James Bliss.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HAMILTON FISH.

No. 164.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, October 15, 1872. (Received October 16.)

SIR: With reference to my note of the 20th of July last, I have the honor to inclose, for your information, copies of a further dispatch and of its inclosure, which I have received from the Governor-General of Canada, relative to the mode in which the American flag was hoisted on board the American schooner James Bliss, when seized by a Canadian officer. From these documents, you will perceive that the officer

in question will be reprimanded for his inattention to the special instructions issued by the government of Canada for the guidance of the commanders of its cruisers.

I have, &c.,

EDWD. THORNTON.

[Inclosure No. 1.]

Lord Dufferin to Sir Edward Thornton.

TORONTO, October 8, 1872.

SIR: With reference to my letter of the 13th July, No. 6, and to previous correspondence inclosing a copy of a minute of the privy council of Canada, respecting an indignity offered to the American flag, in connection with the seizure of the United States schooner James Bliss, I have now the honor to transmit herewith copy of a further order in council, which states that the facts of the case have been fully investigated, and, as the seizing-officer had disregarded the special instructions issued by the government of Canada for the guidance of the commanders of their cruisers, he would, on the recommendation of the minister of marine, be reprimanded for his inattention.

I have, &c.,

DUFFERIN.

Copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General, in council, on the 30th September, 1872.

On a memorandum dated September 23, 1872, from the honorable the minister of marine and fisheries, relative to an order in council, dated 8th July, and a subsequent dispatch from the Earl of Kimberly, under date of 31st July last, respecting an indignity offered to the American flag in connection with the seizure of the United States fishing-schooner James Bliss by one of the Canadian cruisers, for trespass on the in-shore fisheries, the minister reports, for the information of your excellency in council, that the facts have been strictly investigated.

That the special instructions issued by the government of Canada for the guidance of commanders of marine police cruisers direct as follows:

"On capture, it will be desirable to take part of the foreign crew aboard the vessel under your command, and place some of your own crew, as a measure of precaution, on board the seized vessel, *first lowering the foreign flag borne at the time of capture.*"

That it appears by such investigation that, when bringing into the harbor of Gaspé the captured vessel in question, the seizing-officer, in disregard of the above instruction, and probably misapprehending his duty, did intentionally cause the Dominion flag to be hoisted above the American flag, but that the fact of the latter being so hoisted with the union downward was entirely unintentional, and occurred through inadvertence on the part of a subordinate.

That the government have already officially disavowed any intention to show disrespect toward the flag of the United States, and taken precautions to prevent recurrence of any such objectionable acts, and the minister recommends that the facts established by this inquiry be communicated to the United States authorities.

He also recommends that the seizing-officer, through whose inattention to his official instructions this difficulty has occurred, should be severely reprimanded.

The committee submit the above recommendations for your excellency's approval.

Certified:

W. A. HINSWORTH,
Clerk Privy Council, Canada.

No. 165.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, October 19, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, making reference to your communication of the 20th of

July last, in regard to the indignity to the flag of the United States on the occasion of the seizure of the American fishing-schooner the *James Bliss*, and inclosing copies of a further dispatch and of its inclosure, which you had received from the Governor-General of Canada on the subject, from which it appears that the officer who committed the offense will be reprimanded.

It affords me pleasure to assure you of the satisfaction with which the disposition of the matter which has thus been made, is viewed by this Government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HAMILTON FISH.

SLAVE-TRADE ON EAST COAST OF AFRICA.

No. 166.

Sir Eduard Thornton to Mr. Fish.

WASHINGTON, March 6, 1872. (Received March 7.)

SIR: In compliance with an instruction which I have received from Earl Granville, I have the honor to inform you that the attention of Her Majesty's government has lately been particularly directed to the slave-trade on the east coast of Africa, to the system hitherto pursued, and the sacrifices made by Great Britain in attempting to suppress it, and to the possibility of devising more effectual measures to attain that object; and the subject has also been inquired into by a parliamentary committee, whose report, with the evidence laid before them, I have the honor to inclose.

After full consideration of the whole matter, Her Majesty's government have come to the conclusion that the position of affairs as regards the east African slave-trade is altogether unsatisfactory; that the comparatively insignificant results hitherto attained are in no measure commensurate with the sacrifices that during the last fifty years have been made by Great Britain in attempting to suppress it, and that it is necessary to review her policy, and, if possible, reform the system which has hitherto been pursued in dealing with this serious evil.

The foreign slave-trade between the east coast of Africa and the Arabian Sea, the Persian Gulf, Persia, and Madagascar, is altogether forbidden as piracy by treaties with the sovereigns and chiefs of those countries, and the sea-transport of slaves is only permitted for the conveyance of domestic slaves from one port to another of the Zanzibar dominions in East Africa, within specified limits, and during certain periods of the year.

Every facility has thus been given to Great Britain by treaty to put a stop to the foreign slave-trade, and if these treaties were properly observed, the traffic would be strictly limited to the transport of the comparatively small number of slaves required for domestic labor in Zanzibar; but the slave-trade has been but little affected by these measures, as the Arabs from the north, taking advantage of the reserved privilege of transporting slaves within the Sultan's dominions, and tempted by the great demand for slaves in the Persian Gulf, and the large profits accruing from their sale, succeed in conveying them, under cover of this recognized traffic, in large numbers to Arabia and the Persian Gulf.

The same privilege also covers a large illegal export of slaves from the southern ports of Zanzibar to Madagascar, and a considerable slave-trade is also believed to exist between that island and the coast of Mozambique.

It appears that there has been an average annual export of about 20,000 slaves from Kilwa alone, irrespective of those exported from other places, and as the labor requirement of Zanzibar is estimated at not more than 4,000 slaves a year, an annual surplus of at least 16,000 slaves is unaccounted for, which must be exported to foreign countries, in violation of the treaties.

On the other hand, the efforts of Her Majesty's cruisers have only resulted in the annual capture and release of about 7 per cent. of the slaves illegally exported; while the number of slaves exported in no measure represents the sacrifice of human life caused by the traffic, which (according to the statement of Dr. Livingstone and other African travelers, that, for every negro who becomes a slave, from four to nine perish, either in the interior or on the sea-voyage) may be estimated at from 80,000 to 100,000 lives annually.

The mode in which the slaves are captured in the interior of Africa, the cruelties of the slave-traders, the horrors of the journey to the coast, the loss of life, and the sufferings of the slaves on board the slave-dhows, the depopulation and ruin of the countries within the radius of the operations of the slave-traders, are described in the evidence laid before the parliamentary committee, and it is unnecessary to repeat them here. It need only be added that, according to the latest accounts received by Her Majesty's government from Zanzibar, the slave-trade was more active than ever, and the public slave-market was crowded with slaves.

And yet all accounts agree in describing the countries bordering on the east coast of Africa, the scene of these slave-raids, as being very fertile, and capable of great progress and commercial improvement; Zanzibar itself is said to be becoming the emporium for the whole sea-borne trade of the coast, and the chief market of the world for the supply of its own natural and indigenous products. Its customs receipts had increased from \$196,000 in 1859 to \$310,000 in 1870, and its foreign trade, to which considerable impetus has been given by the opening of the Suez Canal, shows signs of such rapid increase that it would be difficult to foretell its extent if its growth were not choked by the slave-trade and cramped by want of means of communication with foreign countries.

Such is the picture of facts that has been laid before Her Majesty's government. On the one side a naturally rich and fertile country, capable of taking a prominent position in the commerce of the East, and peopled by races whose attention might easily be turned to industrial pursuits; on the other, a traffic in human life which demoralizes the natives, depopulates and ruins the country, impedes its commercial progress, and calls for the combined intervention of civilized Christian powers.

Upon mature consideration of the whole question, Her Majesty's government have come to the conclusion that, alone and unsupported, they cannot confidently hope effectually to extinguish this slave-trade, but, with the co-operation of the other great powers interested in the prosperity of East Africa, they think that their object might be attained—

1st. By inducing the Sultan of Zanzibar to surrender his reserved treaty privilege to transport slaves by sea within his own dominions for domestic labor. This privilege has only served as a cloak for the foreign slave-trade, and under its protection the foreign Arabs export

their slave cargoes from Zanzibar, or from ports on the coast ostensibly for places within the limits open to the recognized traffic, but really for foreign ports on the coast of Arabia and the Persian Gulf.

2d. By opening up the trade of the coast by the establishment of more regular steam and postal communication, with the countenance and assistance of the governments interested in the commerce of the country.

These measures would, in the opinion of Her Majesty's government, be more effectual than coercive, and I have consequently been instructed to represent the above facts to the Government of the United States, and to appeal to it, in the interests of humanity and civilization, to co-operate with Her Majesty's government in opening up communication and trade with the coast, and in bringing such combined diplomatic pressure to bear upon the Sultan of Zanzibar as may induce him, in return for the advantages thus held out to him, to surrender altogether, within a certain time, the privilege, which he alone continues to maintain, of transporting slaves by sea within his dominions.

I am desired also to say that Her Majesty's government will be glad to receive and consider any further proposals that the United States Government may have to suggest for combined diplomatic action against this slave-trade.

The inclosed copy of the parliamentary report contains full information upon the whole subject, and, in requesting an early reply to this communication, I am instructed to add that Her Majesty's government have addressed a similar representation to the governments of the North German Confederation, of France, and of Portugal.

I am, &c.,

EDWD. THORNTON.

No. 167.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, March 29, 1872.

SIR: I have had the honor to receive, and have laid before the President, your interesting note of the 6th instant, in regard to the slave-trade on the east coast of Africa. In reply, I am directed to state that he entirely concurs in the views expressed in that communication as to the inhumanity of that traffic and as to the desirableness that it should be put an end to. It is questionable, however, whether or how far it may be competent or expedient for this Government, in the absence of an indication of a specific plan for that purpose, to co-operate with that of Her Majesty's, even for so praiseworthy a purpose. The United States have a treaty with the Imam of Muscat, whose dominions are understood to include the island of Zanzibar. They, however, have not and never had any regular diplomatic representative in that quarter, and may not deem it advisable to send one thither for the special purpose which is the subject of your note. No objection, however, is entertained to directing, as will be done, the consul of the United States at Zanzibar to intimate to the sovereign of that country that we would be glad to see that provision of the treaty between him and Great Britain terminated which reserved the right of transportation by sea between certain limits of his own territory of domestic slaves, as there is reason

to believe that the right reserved under that treaty is a principal cause of the evil complained of, and that also it has been abused. This Government will also direct the commander of the first United States man-of-war which may visit Zanzibar to convey a similar intimation to the authorities.

That part of your note which relates to the fostering of trade with the eastern coast of Africa does not seem to be as definite as may be desirable for forming or expressing an opinion as to the expediency of co-operation on the part of this Government. It is true that industrious countries engaged in foreign commerce may be said to have a common interest in such a condition of affairs, especially in rich and populous regions abroad, as may lead to an increased demand for their own productions, and to the cheapening of those which are desirable in the places with which they may traffic. As a rule, however, it is the policy of the United States to leave such matters to private enterprise only, and it is not seen why Congress might be disposed to deviate from that rule in the case of Eastern Africa.

I have, &c.,

HAMILTON FISH.

No. 168.

Mr. Fish to Mr. Robeson.

DEPARTMENT OF STATE,
Washington, March 30, 1872.

SIR: It has been officially represented to this Department that the privilege reserved by the Imam of Muscat in his treaty with Great Britain for the suppression of the slave-trade, allowing his subjects to continue to import slaves, to be employed as house-servants, has been so grossly abused that the British government desires to put an end to the treaty, so that the cover which it has afforded for keeping up that traffic on the eastern coast of Africa may be removed. The co-operation of this Government has been asked in the matter, but as no definite plan has been suggested for that purpose, it has for the present been declined. Sir Edward Thornton, the British minister here, however, has been informed that the commander of the first man-of-war of the United States which should visit Zanzibar or Muscat would be ordered to intimate to the sovereign of the country that the United States would be glad to see the treaty with England adverted to canceled, as there was reason to believe that the instrument was used as a cloak and a shield to continue the slave-trade generally, in its most offensive form, and with its usual results of distress to the individuals kidnapped, and to the region whence they were obtained. I will consequently thank you to issue such an order whenever its execution may be convenient.

I have, &c.,

HAMILTON FISH.

No. 169.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, April 5, 1872. (Received April 9.)

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, relative to the facts which I was instructed by Lord Granville to submit to you, with regard to the slave-trade on the east coast of Africa, and I beg to offer you my best thanks for having acceded to the wishes of Her Majesty's government in this matter. I have forwarded a copy of your note to Lord Granville, to whom I hope it will be satisfactory.

I have, &c.,

EDWD. THORNTON.

No. 170.

*Sir Edward Thornton to Mr. Fish.*BRITISH LEGATION,
Washington, April 6, 1872. (Received April 8.)

MY DEAR MR. FISH: Inclosed is a copy of our treaty, or *arrangement*, as it is called, with the Imaum of Muscat, with regard to the slave-trade. Article III contains the reservation of the right to transport slaves within certain limits.

Believe me, &c.,

EDWD. THORNTON.

[Inclosure 1.]

Agreement between Great Britain and Muscat for the suppression of slave-trade. Signed at Zanzibar October 2, 1845.

Agreement between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness, Saeid Saeid bin Sultan, the Sultan of Muscat, for the termination of the export of slaves from the African dominions of His Highness the Sultan of Muscat.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being earnestly desirous that the export of slaves from the African dominions of His Highness the Sultan of Muscat should cease, and His Highness the Sultan of Muscat, in deference to the wishes of Her Majesty and of the British nation, and in furtherance of the dictates of humanity, which have heretofore induced him to enter into engagements with Great Britain to restrict the export of slaves from his dominions, being willing to put an end to that trade; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Sultan of Muscat, having resolved to record with due form and solemnity this further restriction of the export of slaves, and Her Majesty having given due authority to Captain Hamerton, her representative at the court of the Sultan of Muscat, to conclude an agreement with His Highness accordingly, His Highness Saeid Saeid bin Sultan, for himself, his heirs and successors, and Captain Hamerton, on behalf of the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, have agreed upon and concluded the following articles:

ARTICLE I. His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his officers to prevent and suppress such trade.

ARTICLE II. His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE III. His Highness the Sultan of Muscat grants to the ships of Her Majesty's Navy, as well as to those of the East India Company, permission to seize and confiscate any vessels the property of His Highness or of his subjects carrying on slave-trade, excepting only such as are engaged in the transport of slaves from one part to another of his own dominions in Africa, between the port of Lamos to the north, and its dependencies, the northern limit of which is the north point of Kuzhoo Island, in 1° 57' south latitude, and the port of Keelwa to the south, and its dependencies, the southern limit of which is Songa Manara, or Pagoda Point, in 9° 2' south latitude, including the islands of Zanzibar, Pembao, and Monfea.

ARTICLE IV. This agreement to commence and have effect from the 1st day of January, 1847, of the year of Christ, and 15th day of the month of Mohunum, 1263 of the Hegira.

Done at Zanzibar this 2d day of October, 1845, of the year of Christ, and 29th day of Rauzan, 1261 of the Hegira.

SAEID SAEID BIN SULTAN, [L. S.]
Imam of Muscat.

ATKINS HAMERTON, *Captain,*
On behalf of Her Majesty the Queen of the United Kingdom
of Great Britain and Ireland, her heirs and successors.

No. 171.

Mr. Fish to Mr. Robeson.

DEPARTMENT OF STATE,
Washington, April 6, 1872.

SIR: Since the letter to you from this Department, of the 29th ultimo, relative to the abrogation of the treaty between Great Britain and the Sultan of Zanzibar or Muscat, this Department has been orally informed by Sir Edward Thornton, the British minister here, that it is not the wish of his government to have the whole of that instrument annulled, but only that provision of the treaty by which the right to transport domestic slaves, by sea, within certain limits of their own territory, was reserved. I will consequently thank you to modify accordingly any orders which have been or may be given by the Navy Department upon the subject.

I have, &c.,

HAMILTON FISH.

No. 172.

Mr. Robeson to Mr. Fish.

NAVY DEPARTMENT,
Washington, May 6, 1872. (Received May 7.)

SIR: I have the honor to acknowledge the receipt of your letters of the 29th of March, and 6th of April last, in relation to the wish of the British government, as expressed through Sir Edward Thornton, the British minister, that our Government should co-operate with Her Majesty's in an effort to secure an abrogation by the Imam of Muscat of the provision of the treaty between him and Great Britain, by which the right is reserved to the Imam to transport domestic slaves, by sea, within certain limits of his territory.

The Department, in pursuance of your suggestion, will give instructions to the first vessel of the United States Navy proceeding to or returning from the Asiatic station, to touch at Zanzibar or Muscat and

inform the Sultan or Imaum, or his authorities, that the Government of the United States looks with solicitude to the abrogation of the clause of the treaty referred to, and hopes his enlightened government will consider seriously the propriety and advantage of doing so, or if the clause should be abrogated before such visit, to express the satisfaction that the Government of the United States has in congratulating the Imaum on his humane and statesman-like conduct, in suppressing what has been converted or supposed to have been converted into an abuse.

Very respectfully, &c.,

GEO. M. ROBESON.

No. 173.

Mr. Case to Mr. Fish.

NAVY DEPARTMENT,

Washington, September 3, 1872. (Received September 4.)

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, addressed to the Secretary of the Navy, regarding the necessity of the Yantic visiting Zanzibar, for the purpose of carrying out the instructions given to her commanding officer, to communicate with the Imaum of Muscat, in reference to the slave-trade.

Although the diversion of the Yantic from a direct course, in order to visit Zanzibar, will much delay her voyage to the Asiatic station, the Department will instruct her commanding officer, in accordance with your wishes, to proceed to that point.

The Yantic left our waters on the 28th ultimo, and it will be, therefore, necessary to telegraph her at Gibraltar, which will be done through the United States consul at that place, and it is hoped the telegram will reach her there.

Very respectfully, &c.,

A. LUDLOW CASE,
Acting Secretary of the Navy.

No. 174.

Mr. Case to Mr. Fish.

NAVY DEPARTMENT,

Washington, October 29, 1872. (Received October 30.)

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, and to inform you that instructions have been sent to Commander Byron Wilson, commanding the United States steamer Yantic, to co-operate with the agent of Her Britannic Majesty's government, in any proper way, to secure the success of his mission to Muscat or Zanzibar.

Very respectfully, &c.,

A. LUDLOW CASE,
Acting Secretary of the Navy.

No. 175.

Mr. Case to Mr. Fish.

NAVY DEPARTMENT.

Washington, October 30, 1872. (Received October 31.)

SIR: Commander Byron Wilson, in a communication dated Gibraltar, October 4, acknowledges the receipt of the Department's modification of his orders, made at the request of the Secretary of State, to visit Zanzibar instead of Muscat, in the Yantic.

I have, &c.,

A. LUDLOW CASE,
Acting Secretary of the Navy.

No. 176.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,

Washington, October 30, 1872.

SIR: I have the honor to state that this Department is informed by a letter of 29th instant, from the Acting Secretary of the Navy, that instructions have been sent to Commander Byron Wilson, commanding the United States steamer Yantic, to co-operate with Sir H. B. E. Frere, the agent of Her Britannic Majesty's government, in any proper way to secure the success of his mission to Muscat or Zanzibar.

I have, &c.,

HAMILTON FISH.

FISHERIES IN WATERS ADJACENT TO THE BRITISH NORTH AMERICAN POSSESSIONS.

No. 177.

Mr. Pakenham to Mr. Fish.

WASHINGTON, November 14, 1871. (Received November 15.)

SIR: I have the honor to inclose a copy of a letter from an American merchant residing at Charlottetown, Prince Edward Island, to the lieutenant-governor of that colony, as also a copy of the governor's reply, and from which it will be seen that Mr. Hall entertains doubts as to whether the refusal of Canada to assent to the provisional arrangement proposed by the United States, and assented to by the legislature of that colony, may not work adversely to the interests of those persons in Prince Edward Island who have this year made large investments in the fishery business, in the expectation of receiving back the duties collected in the United States on fish-oil and fish exported from that island into the United States during the present fishing season. Application has been made to Earl Granville, by the colonial office, on this subject, and I have been directed to endeavor to ascertain whether the proposal will be made to Congress on its meeting to refund those duties as regards Prince Edward Island and Newfoundland.

I should feel obliged if you would cause me to be early informed on the subject, so that I may forward the reply of the United States Government to Earl Granville with as little delay as possible.

I have, &c.,

F. J. PAKENHAM.

[Inclosure 1.]

Mr. Hall to Lieutenant-Governor Robinson.

CHARLOTTETOWN, P. E. I.

September 26, 1871.

SIR: After the action of your government giving effect to the treaty of Washington, so far as the fisheries are concerned, admitting fish from the United States as bait or otherwise free of duty into this colony, and giving to United States fishing-vessels free access to the shore-fisheries around this island, those persons here who are engaged in the fishing business had supposed that their right, on the meeting of Congress, to receive back the duties paid on all fish and fish-oils exported by them to the United States since the 1st day of July could not be questioned.

Recent reports from the United States would, however, lead to the belief that the refusal of the Dominion of Canada to give effect to the treaty of Washington may work adversely to the interests of this island, and prejudice her claims to such return of duties.

As your honor is probably aware, large investments have this year been made in the fishing business, based upon the expectation of receiving the benefit of this treaty, and a heavy loss to this island must result if the duties are not returned.

I would, therefore, esteem it as a great favor if your honor can give me any information bearing upon this subject.

I have, &c.,

ISAAC C. HALL.

[Inclosure 2.]

Mr. Robinson to Mr. Hall.

GOVERNMENT HOUSE,

September 29, 1871.

SIR: I am directed by the lieutenant-governor to acknowledge the receipt of your letter of the 26th instant, on the subject of the treaty of Washington.

2. The Government of the United States requested Her Majesty's government to urge the governments of Canada, Newfoundland, and Prince Edward Island to make for the present season, within their respective jurisdictions, such relaxations and regulations as it might be in their power to adopt, with a view to the provisional admission of American fishermen to the liberty which is proposed to be secured to them by the treaty of Washington, the Government of the United States in return to recommend and urge upon Congress at their next session to refund to the parties paying the same any duties collected in the United States on or after the 1st July, on fish-oil and fish, (with certain exceptions,) the produce of the fisheries of the above colonies, respectively, if a similar arrangement should be made with respect to the admission into the colonies as aforesaid of fish-oil and fish, (with like exceptions,) being the produce of the fisheries of the United States.

3. Prince Edward Island assented to the proposed arrangement; Canada did not assent to it; and you are apprehensive that such refusal on the part of Canada may work adversely to the interests of those persons in Prince Edward Island who have this year made large investments, in the expectations of receiving back the duties paid by them on fish-oil and fish exported from this island into the United States during the present fishing season.

4. The lieutenant-governor is of opinion that your apprehensions are unfounded. An arrangement sanctioned by Her Majesty's government has been entered into between the Government of the United States and Prince Edward Island, and the lieutenant-governor does not apprehend that the action of Canada in withholding her assent from a similar arrangement will be attended with the prejudicial result which you have recently been led to anticipate.

I have, &c.,

KILDARE C. ROBINSON,

Digitized by Google Private Secretary.

No. 178.

Mr. Fish to Mr. Pakenham.

DEPARTMENT OF STATE,

Washington, November 24, 1871.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, inclosing a copy of a letter from Isaac C. Hall, esq., an American merchant residing at Charlottetown, Prince Edward Island, to the lieutenant-governor of that colony, and also a copy of the lieutenant-governor's reply, relating to the anticipated effects of the refusal of Canada to assent to the provisional arrangement proposed by this Government, and assented to by the legislature of that colony, contained in my note of May 8, 1871, to Sir Edward Thornton, upon the interests of the persons in Prince Edward Island who have this year made large investments in the fishery business, in expectation of receiving back the duties collected in the United States on fish-oil and fish exported from that island into the United States during the present fishing season.

In reply, I have the honor to state that the United States deals on the subject with Great Britain, and the proposal made in May last contemplated the united action of all the British colonies. The Dominion of Canada did not assent, and has greatly annoyed American fishermen. It was not contemplated, nor would it be practicable, to separate them, or carry into effect for one what the President was willing to recommend for all of those colonies.

I have, &c.,

HAMILTON FISH.

No. 179.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,

Washington, March 15, 1872.

SIR: I have the honor to inclose, for your information and use, ten copies of the circular, issued by the Secretary of the Treasury on the 6th instant, for the information of citizens of the United States engaged in the fishing business in waters adjacent to the British North American provinces.

I have, &c.,

HAMILTON FISH.

No. 16.

NAVIGATION DIVISION, CIRCULAR NO. 5.

Relative to the fisheries on the coasts of the British North American colonies.

TREASURY DEPARTMENT,

*Washington, D. C., March 6, 1872.**To collectors of customs:*

As the season for fishing on the coast of the British possessions in our vicinity is approaching, it is considered important that fishermen of the United States intending to pursue their business in the locality mentioned, should be thoroughly acquainted

with the laws and regulations governing the matter, in order to avoid incurring the penalties for violations thereof. To that end, the following circular, issued by this Department June 9, 1870, is republished, as containing information still applicable.

You will please endeavor to bring the contents of this circular to the attention of all parties concerned, at the same time notifying them that the provisions of the treaty between the United States and Great Britain, proclaimed July 4, 1871, relating to the fisheries, will not go into effect until the laws required to carry them into operation shall have been passed by the various governments mentioned in Article XXXIII, and warning them that their business must yet be carried on subject to the restrictions existing at the time of the ratification of the treaty:

CIRCULAR.

"In compliance with the request of the Secretary of State, you are hereby authorized and directed to inform all masters of fishing-vessels, at the time of clearance from your port, that the authorities of the Dominion of Canada have terminated the system of granting fishing licenses to foreign vessels, under which they have heretofore been permitted to fish within the maritime jurisdiction of the said Dominion, that is to say, within three marine miles of the shores thereof; and that all fishermen of the United States are prohibited from the use of such inshore-fisheries, except so far as stipulated in the first article of the treaty of October 20, 1818, between the United States and Great Britain, in virtue of which the fishermen of the United States have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from said Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands; and, also, on the coasts, bays, harbors, and creeks, from Mount Joly, which was, when the treaty was signed, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely along the coast, without prejudice, however, to any exclusive rights of the Hudson's Bay Company; and have also liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador, unless the same, or any portion thereof, be settled; in which case it is not lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground; and also are admitted to enter any other bays or harbors, for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, subject to such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges reserved to them as above expressed. Fishermen of the United States are bound to respect the British laws and regulations for the regulation and preservation of the fisheries to the same extent to which they are applicable to British or Canadian fishermen.

"The Canadian law of the 22d of May, 1868, (31 Victoria, cap. 61,) entitled 'An act respecting fishing by foreign vessels,' and the act assented to on the 12th of May, 1870, entitled 'An act to amend the act respecting fishing by foreign vessels,' among other things, enact that any commissioned officer of Her Majesty's navy, serving on board of any vessel of Her Majesty's navy, cruising and being in the waters of Canada, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer, or stipendiary magistrate, on board of any vessel belonging to or in the service of the government of Canada, and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, magistrate, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat, within any harbor in Canada, or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board so long as she may remain within such place or distance; and that any one of such officers or persons as are above mentioned may bring any ship, vessel, or boat, being within any harbor in Canada, or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and has been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors of Canada not included within the above-mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel, or boat under the first section of this act, such ship, vessel, or boat, and the tackle, rigging, apparel, fit-

niture, stores, and cargo thereof, shall be forfeited. And that all goods, ships, vessels, and boats, and the tackle, rigging, apparel, and furniture, stores, and cargo liable to forfeiture under this act may be seized and secured by any officers or persons mentioned in the second section of this act. And every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in any opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and upon conviction be liable to imprisonment for a term not exceeding two years.

"It will be observed that the warning formerly given is not required under the amended act, but that vessels trespassing are liable to seizure without such warning."

"On the 8th January, 1870, the governor-general of the Dominion of Canada, in council, ordered that suitable sailing-vessels, similar to the *La Canadienne*, be chartered and equipped for the service of protecting the Canadian inshore-fisheries against illegal encroachments by foreigners, these vessels to be connected with the police force of Canada, and to form a marine branch of the same. It is understood that, by a change of the boundaries between Canada and Labrador, the Canadian territory now includes Mount Joly and a portion of the shore to the east thereof, which, in the treaty of 1818, was described as the southern coast of Labrador. This municipal change of boundary does not, however, interfere with the rights of American fishermen, as defined by the treaty, on that portion of what was the southern coast of Labrador, east of Mount Joly."

There is reason to apprehend that the Canadian authorities will adopt similar measures toward preventing encroachments upon the British fisheries during the season of 1872.

Very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

No. 180.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, April 12, 1872. (Received April 13.)

SIR: With reference to your note of the 24th of November last to Mr. Pakenham, stating that the United States Government were not prepared to take steps with a view to the refunding of duties collected on fish-oil and fish imported from Prince Edward Island, I am desired by Earl Granville to inform you that the attention of Her Majesty's government has again been called to this subject, and to the difficulty which may arise in consequence of this decision of the United States in obtaining the consent of the colonial legislatures to the treaty of Washington.

The proposal of the United States Government, as made in your note of the 8th of May last, was to the effect that, pending the legislation necessary to carry out the provisions of the treaty, Her Majesty's government should make on their own behalf, and should urge the governments of Canada, Prince Edward Island, and Newfoundland to make arrangements for admitting American fishermen to the liberty which they would enjoy under the treaty, and that on their part the United States Government would be prepared to admit British subjects to fishing rights in the United States waters specified in the treaty, and would recommend Congress to authorize the refunding of duties collected after the 1st of July on fish and fish-oil the produce of Canada and Prince Edward Island, if a similar arrangement was made with respect to the admission into the British possessions of fish-oil and fish being the produce of the United States.

Her Majesty's government agreed to this proposal, and, at their urgent request, the government of Prince Edward Island issued, on the 24th of July, an order in accordance with it. From that date American fishermen have had free use of the inshore-fisheries of the island, and have

landed fish and fish-oil without duty, and the merchants of Prince Edward Island, believing that the United States Government would, in pursuance of their part of the agreement, propose to Congress to make provision for refunding the duties levied on fish and fish-oil imported into the United States from Prince Edward Island, have freely exported those products, and the government of the colony were quite unprepared for the course now taken by the United States Government.

It appears from your note to Mr. Pakenham, of the 24th of November, that the ground taken by the President for declining to bring forward a bill for the refund of the duties is, that "the proposal made through you contemplated the united action of all the British colonies, and that it would not be practicable to separate them or carry into effect for one what the President was willing to recommend for all those colonies."

Her Majesty's government considers that the treaty of Washington itself recognizes the power of each colonial government or legislature to act for itself independently of the other, nor can any legislation on the part of one of those governments interfere with or bind the territory within the jurisdiction of another colonial government. The government of Prince Edward Island have issued an order giving effect to the provisions of the treaty, and admitting American fishermen to the free use of their fisheries during the season of 1871. The American fishermen have availed themselves of the privilege, and the United States consul was duly notified of the relaxations made in their favor, while Mr. Bancroft Davis was informed by Mr. Pakenham's note of the 26th of July last of the acceptance by the government of Prince Edward Island of your proposals.

The United States Government accepted all the advantages thus conferred upon their fishermen during the whole season of 1871, and the government of Prince Edward Island fully expected that their colony would receive an equivalent for those advantages.

No intimation was given by the United States Government that they did not intend to fulfill their part of the arrangement unless united action was taken by all the colonies, and the government of the island could not therefore have anticipated that such a course would be pursued, nor did your original proposal make the refunding of the duties contingent on such united action.

Under these circumstances, and taking into consideration the serious pecuniary losses which will fall upon the merchants of Prince Edward Island if these duties are not refunded, Her Majesty's government trust that the United States Government will reconsider their decision, and will not persist in refusing to carry out their part of an arrangement which they themselves originated, and which was proposed to the government of Prince Edward Island by Her Majesty's government, in the full confidence that that colony would receive from the United States an equivalent for the concessions which it was recommended to make.

I have, &c.,

EDWD THORNTON.

No. 181.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, July 10, 1872. (Received July 11.)

SIR: In compliance with an instruction which I have received from

Earl Granville, I have the honor to state that the Government of the United States having declined to take steps with a view to the refunding of duties collected on fish-oil and fish imported into the United States from Prince Edward's Island, his lordship has been informed by the colonial office that a telegram has been received from the governor of Prince Edward's Island, stating that his ministers are of opinion that the privilege of fishing on the coast of Prince Edward's Island should not be conceded to the American fishermen until the United States Government shall have carried into effect the arrangement in pursuance of which the American fishermen were provisionally admitted to the use of those fisheries during the season of 1871, namely, the refund of the duties levied during that season upon fish and fish-oil imported from the colony into the United States.

Her Majesty's government cannot contest the justice of the position thus assumed by the governor of Prince Edward's Island, and as that colony does not possess revenue-vessels by which its fishery laws can be enforced, they have thought it right to send instructions to the officers commanding Her Majesty's ships as regards the protection of the Prince Edward Island fisheries, similar to those issued for the protection of the North American fisheries generally, by Admiral Wellesley, in 1870, as modified by the memorandum issued by him on the 25th of June of that year.

Such is the course which I am instructed to inform the Government of the United States Her Majesty's government have been forced to adopt, in consequence of the non-fulfilment of the condition on which the provisional use of the fisheries was conceded by the governor of Prince Edward's Island.

I have, &c.,

EDW^d THORNTON.

No. 182.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,

Washington, July 18, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, in which, referring to a supposed arrangement, in pursuance of which American fishermen were provisionally admitted to exercise their employment on the coast of Prince Edward's Island, you state that the government of that island was of the opinion that that privilege should not be further enjoyed until this Government shall have refunded the duties which have been levied upon fish and fish-oil imported from that colony into the United States.

In reply, I have the honor to state that I am not aware of any such arrangement as that to which you refer. It is true that, in the note of the 8th of May, 1871, addressed to you by this Department, it was suggested that as the legislation required to carry into effect the treaty of Washington could not take place until after the fishing season, then near at hand, the privileges promised by the treaty should at once be granted to United States fishermen upon the condition that the President should recommend to Congress the refunding of any duties upon fish and fish-oil of certain British colonies, imported into this country after the first day of July then next ensuing.

In the note of 24th November last, addressed by this Department to Mr. Pakenham, he was informed that in regard to this subject the United States deals with Great Britain, and that the proposition made in May of that year contemplated the united action of all the British colonies. Why that proposition, even if so far accepted by the government of Prince Edward's Island, as to abstain during the last season from molesting fishermen of the United States, should still be termed an arrangement, it is difficult to understand.

It further appears from your note that Her Majesty's government approves of the course in this matter which has been taken by the governor of Prince Edward's Island, and has issued orders for the protection of the fisheries of that island.

The concluding paragraph of your note assigns, as a reason for the decision of Her Majesty's government on the subject, the failure by this Government to fulfill the condition upon which the provisional use of the fisheries of that island was granted.

I will not repeat that as there seems to be an unaccountable misconception of the obligations assumed by this Government, the reason assigned for enforcing what are termed the fishing-laws on the coasts of Prince Edward's Island, cannot be allowed to have any weight.

It is hoped, however, that in carrying that measure into effect, a spirit of justice and forbearance will be made apparent, so that unnecessary and unprofitable irritation upon the subject may be avoided.

I have, &c.,

HAMILTON FISH.

No. 183.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, July 19, 1872. (Received July 20.)

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, relative to the fisheries in the waters of Prince Edward Island, and I shall not fail to forward a copy of it to Earl Granville.

In the mean time I beg leave to assure you that the wishes and instructions of Her Majesty's government are to the effect that due justice and forbearance should be exercised in the protection of the fisheries in those waters, to the use of which foreign fishermen are not admitted in the pursuit of their calling, and that all unnecessary cause of irritation should be avoided.

I am at the same time confident that the Government of the United States will, on its part, contribute toward preventing all grounds of dispute by doing its utmost to induce its citizens to abstain from fishing in those waters, for their admission to which the necessary legislation has not yet been carried out by the Congress of the United States.

I have, &c.,

EDW'D THORNTON.

GREECE.

No. 184.

Mr. Francis to Mr. Fish.

No. 3.]

LEGATION OF THE UNITED STATES,
Athens, November 8, 1871. (Received December 7.)

SIR: I have the honor to transmit the text of the recent speech of the King of Greece, at the opening of the session of the chamber of deputies, on the 30th of October ultimo, of which my predecessor, Mr. Tuckerman, gave a brief synopsis in his dispatch (No. 188) of the date of November 3.

Inclosed is a printed copy of the speech, in French, with accompanying translation into English.

His Majesty's reference to brigandage is worthy of attention.

I am, &c.,

JOHN M. FRANCIS.

Speech pronounced by His Majesty the King of Greece at the opening of the third session of the third parliamentary period, October 30, 1871.

GENTLEMEN DEPUTIES: To-day I see with pleasure assembled about me the representatives of the nation whose prosperity is always the strongest desire of my heart and my constant solicitude. During my last journey abroad I was pleased to observe the sincere attachment of my people to the Queen, while discharging the difficult duties of the regency. It gives me pleasure to announce that my relations with foreign powers are friendly. Their conservation is with me an object of constant solicitude.

The affair of Laurium will not, I trust, disturb these relations with any of the powers. My government will lay before you the documents relating to this affair.

The most important home question, that of the public security, is in a satisfactory condition.

The measures which you have promptly voted, and their successful application by my government, have made it impossible that brigandage should continue among us. The complete extirpation of this evil, whose remnants exist on the frontier, is not far off, provided the remedies continue to be enforced.

I am able also to state that the financial condition of the country affords cheering hopes, inasmuch as the receipts have been sufficient for the demands of the service.

Order in the finances is the sure result of the measures which have been taken, the strengthening of public security, and order enforced throughout the service.

Draughts of important laws will be submitted to you during the present session. An electoral law providing for a large representation of the sentiments of the people in parliament will be, I sincerely hope, the subject of serious and thorough consideration. Provincial and municipal laws giving more freedom to the administration of affairs in the provinces and the villages, and restoring a desirable harmony between the constitution and the executive department, will receive, I doubt not, your attention, inasmuch as you understand the views of the provinces and villages.

The direct removal of the land-tax on cereal crops and its provisional replacement by other resources, until the application of a more perfect system of taxation, are matters worthy of your attention. One of our strongest desires has been the improvement of the condition of the clergy. This is also the prayer of Greece. Therefore my government, sensible of this necessity, is earnestly engaged in devising a remedy, and will submit to you the draught of a law on this subject.

A military law, answering to the needs and resources of the country, based on the wholesome principle of equality in making recruits for the military service, will be laid before you. For the better regulation of that which concerns justice, my government will submit to your enlightened judgment draughts for a number of enactments.

The improvement of the consular service is thought to be a matter worthy of serious attention.

You will receive the draught of a law for securing adequate protection to the interests of Greece abroad.

A revision of the penal code for the marine will also be submitted to your consideration.

Order in the public service and the training of competent employes require an enactment fixing the qualifications of employes, and my government will ask your vote on this question. All these questions have a bearing on important interests of the nation. Their happy solution forming the basis of a complete system of measures for the improvement of public affairs, is a sufficient guarantee for the future. May love for our common country be for all a constant guide in our thoughts and our actions.

We shall find our strength in the help of the Almighty. I proclaim the opening of the third session of the third parliamentary period.

No. 185.

Mr. Francis to Mr. Fish.

No. 6.]

LEGATION OF THE UNITED STATES,
Athens, November 11, 1871. (Received December 12.)

SIR: I have the honor to report that, on the 10th instant, Mr. Zaïmis, the Greek minister of foreign affairs, returning my call upon him of the 9th instant, visited this legation in person, and informed me that His Majesty the King had designated this day, (the 11th,) at 12 o'clock meridian, for the purpose of an interview with me.

Subsequently he transmitted to the legation an official note to the same effect, which I herewith inclose.

Promptly at the time appointed I repaired to the palace, and, accompanied by Mr. Zaïmis, was introduced by the latter to His Majesty. Handing to the King my letter of credence from the President of the United States, I addressed His Majesty as follows:

I have the distinguished honor of presenting to Your Majesty a letter from the President of the United States, accrediting me as minister-resident near the Government of Your Majesty. And I embrace this opportunity to make renewed assurances of the sincere friendship entertained for Your Majesty by the President and people of the United States.

Our political institutions have many points of resemblance to those of this classic and venerated land. Both are intended to promote the education, the industry, and the highest welfare of the people.

In the peaceful conflicts of opinion, the popular verdict is respected and obeyed. Therefore it is that the President and people of the United States feel a warm and deep solicitude in behalf of Greece, that her prosperity may be permanent, and that she may advance steadily onward in a national career fully reflecting all that is grand in her ancient history.

It shall be my earnest effort, while representing the Government of the United States near Your Majesty's government, to contribute whatever I may toward sustaining and strengthening the friendly relations subsisting between these powers.

To which the King replied:

MR. MINISTER: It is with a lively satisfaction that I see near me the representative of the United States, and hear the words which you have just spoken.

The sympathy which the Government of the United States has always manifested in favor of the Greek nation, your personal qualities and sentiments, Mr. Minister, finally the feelings of sympathy and gratitude with which the Greek people are animated in favor of the United States, render it an easy task to cultivate and develop the excellent relations which fortunately exist between my government and the Greek people and those of the United States.

I am happy to see that you so thoroughly appreciate the sentiment of this country, and its efforts to sustain the principles of liberty which it has inherited from its ancestors, united to those of order, which alone can make them fruitful of good.

I desire that you will be the interpreter of my sentiments of high esteem for the President of the United States.

The King received me with much cordiality, and, after the reading of his response to my address, entered into general conversation, which

was continued some minutes. In the course of the interview His Majesty remarked that from his earliest recollection he had heard only the most friendly expressions toward the United States, "for you know," said he, "Denmark and your country have always been the best of friends." To my remark that the people of the United States had felt a great interest in Greece from the beginning of its new career as a nation, bearing in mind its heroic struggle for independence, as well as the fact that its ancient grandeur had largely contributed toward the elements of our common civilization, the King replied: "Yes, we know it and feel it; the people of the United States helped Greece when she most needed help; and in the Cretan rebellion they extended their sympathies to the oppressed. But it was ancient Greece that did so much for civilization, though we hope to do our duty now and go forward steadily in improvement." Social topics were then introduced, and after saying I would meet only friends among his people, and that he trusted my residence at Athens would be altogether pleasant and happy, with a hearty shake of the hand he bade me good day. The King is a young man of intelligence, and converses in English with vivacity and ease.

He looks and speaks like one who is earnest and sincere, already possessed of a fair degree of knowledge of the world, and determined to qualify himself for increasing usefulness as a ruler. His manner certainly does not indicate the weakness and frivolity that have been attributed to him. It is dignified and altogether becoming his station. He appears quite mature for one of twenty-six years. I should say that he only needs the discipline of study and experience to give him the qualifications of firm and steady statesmanship.

I was next introduced to Her Majesty the Queen in another apartment of the palace. She welcomed me to Athens quite as cordially as the King had done. She said that her cousin, the Grand Duke Alexis of Russia, was gratifying a desire he had often expressed in his present visit to the United States, and she, too, would like to see that great country, if it were possible, but that wish could not now be realized. The great American country and its people she had always been taught to respect, and she esteemed them all the more as study and acquaintance gave her more knowledge of the American character. My interview with the Queen, who is a beautiful and accomplished lady, was exceedingly agreeable.

The Queen of Denmark and her daughter, Princess Thyra, the mother and sister of the King, were present on this occasion.

I am, &c.,

JOHN M. FRANCIS.

No. 186.

Mr. Francis to Mr. Fish.

No. 13.]

LEGATION OF THE UNITED STATES,
Athens, December 2, 1871. (Received December 30.)

SIR: I have the honor to furnish a translation, with inclosure of the original text, of an article from a prominent Greek newspaper published here, the *Defense*, of November 24, ~~instant~~, in which it will be seen an intelligent and a just view is taken of the working of our free institutions as illustrated by the results of the recent election in the State of New

York. I may say, in this connection, that the article corresponds with the expressions I have heard from many Greek citizens here, who, next to the regard they have for the affairs of their own country, seem to take the deepest interest in those of the United States. One of their leading statesmen, and a member of the present Greek cabinet, remarked to me that "Free institutions on a grand scale are achieving in your country their sublime victories."

I am, &c.,

JOHN M. FRANCIS.

[Inclosure 2 in No. 13.]

THE NEW YORK STATE ELECTION.

[Translation from the Defense, an Athenian Greek Journal, of November 24, 1871.]

When the appalling outrages of the New York officials in the United States of America were revealed to the eyes of the world, the enemies of free institutions could not conceal their satanic joy, and false friends shed some crocodile tears. The exposure could not but fill the true champions of democratic institutions with alarm and despondency. We at once pointed out the real cause and source of this mischief. We said at once that this mischief did not belong necessarily to the American system of government, but that its origin was to be found in monarchical Europe, from which a restless current of immigration was constantly discharging its filth and offscouring into the broad bosom of the American democracy. Receiving these worthless and wretched creatures, who had been born, nurtured, impoverished, and corrupted in the old monarchies of Europe, America gave them citizenship, and warmed them in her motherly arms as if they were her own offspring. Such creatures are numbered by tens of thousands in New York *especially*. It followed that a corrupt party, composed largely of those who would have no right of suffrage in Europe, voted in New York for corrupt measures. But in a free country this evil was not allowed to go uncured. The true friends of free institutions rejoice to-day with exceeding joy in learning that the guilty authors of those crimes are to be punished, and that some of them have given bail for a million of dollars to appear for trial before the people's tribunal. They rejoice yet more in learning that, at the recent elections in New York, a most decisive triumph was won by men not belonging to the infamous thieves of the Tammany ring, but to the opposing party which, in previous elections, had found itself in a minority of thirty or forty thousand votes. Behold the blessings of a free government! In a country where the people are supreme, and where they have nothing to hope for from guardians and protectors, criminal outrages are not covered up as they would be in an absolute monarchy. Official crimes are speedily brought to light, and the criminals are punished with exemplary severity.

No. 187.

Mr. Francis to Mr. Fish.

No. 22.]

LEGATION OF THE UNITED STATES,
Athens, December 23, 1871. (Received January 18, 1872.)

SIR: Brigandage is the great evil of Greece. It prevents intercommunication, retards enterprise, and paralyzes business. It exacts contributions from legitimate industry, and thus discourages agriculture. It is not surprising that, in sections where brigandage prevails, the farming interest should languish. It taxes that interest for support. Then the government exacts one-tenth of the products of the soil for its necessary revenue. Between this upper and nether millstone the cultivator of the soil certainly has a hard time of it. The great need of Greece is immunity from brigandage as a *sine qua non* for industrial

progress. The government had adopted efficient and, it was supposed, successful measures to suppress brigandage. In his address to the chamber of deputies, at the beginning of the session, in October last, the king congratulated the country that the evil had been nearly extirpated, and that, with the measures adopted, it could not much longer exist in any part of the kingdom. A change of ministry soon occurred, but there is no evidence, I believe, that a change of policy followed in reference to the suppression of brigandage. Such governmental changes, however, happening so frequently as they do in Greece, tend to unsettle things, and thus impair the public security. This is conceded by all intelligent people here with whom I have conversed, including the representative statesmen of all parties. This fact, in illustration, has now appeared: The brigands, who had not been heard of for some time, recently resumed their raidings. The band of Spanos, much dreaded on account of the dare-devil cunning of its chief, appeared in the province of Amphissa, near Parnassus, some three or four weeks ago. More recently they were discovered in the provinces of Attica and Bœotia, and in the district of Marathon, about thirty miles east of Athens. The government sent a considerable military force in pursuit of them. On the 14th instant they were discovered, by a detachment of soldiers, in their place of concealment. It is stated that, in their anxiety to win honor and, possibly, pecuniary reward from the government, the soldiers fired upon the brigands at a considerable distance, when, if the affair had been properly managed, the outlaws would probably have been killed or captured. It is rumored that the chief, Spanos, with two of his band, was wounded, but of this there is no satisfactory evidence. It is certain that the band all got away. Since this affair, the government has still further increased the military force in that section, and every possible effort has been made to capture or destroy the brigands. But the pursuit has been unsuccessful, and it is feared that the band cannot now be overtaken. They have probably retired to their headquarters, whence they came, near the Turkish frontier. There they feel secure, as, in case of pursuit, they can readily cross the border into Turkey.

The Greek government shows no mercy to persons convicted of brigandage. There have been thirteen executions by the guillotine during the present month—four at Misolonghi, one at Patras, one at Zante, and the remainder in other parts of Greece. Two other brigands, now under sentence of death, are soon to be executed.

But this criticism is made upon the policy of the government in dealing with this great evil: Punishment is not summarily inflicted, and it is assumed that delay in its infliction tends to impair its restraining influence. For example, the fact may be stated that the brigands recently executed were captured many months ago; they had remained in prison awaiting the slow process of the civil law, and their trial, conviction, and execution, after so long a time had elapsed since their arrest, failed to create the strong impression that would have followed their trial by court-martial and prompt execution near or at their homes and where their families and friends reside. In other words, it is contended that these outlaws should be treated as persons in armed rebellion against the government, as traitors, making war against the state, and when captured they should be subjected to the severest and summary rigors of military law. Instead of that, they are accorded all the privileges of ordinary criminals, have the benefit of trial by jury before the civil courts, and in case of the disappearance of witnesses, or a technical break in the testimony from any cause, they may escape pun-

ishment altogether. While admitting the force of this reasoning, those in authority say that public opinion in Greece will not admit of the administration of military law as suggested, even in dealing with brigandage; that the people here are extremely jealous of the military power, and would oppose any attempt to place even the lives of captured brigands at its disposal, fearing that if so much authority were conceded it, more would be demanded, and popular liberty might soon be stricken down through military usurpation. But in reply to this it may be said that brigands are traitors of the most dangerous character. The soldiers are even offered a considerable reward for shooting them on sight. If it is allowed so much, why may not the organized military authority, for the benefit of the moral effect, be permitted to try the captured brigands, and, on conviction, promptly "shoot them on the spot?"

It should be stated in this connection that I am assured by the minister of war that there is far less of brigandage in Greece now than there was one year, or even six months ago; that the last member of Krekela's dangerous band has just been captured near Amphissa; that no more than three bands are known to have an existence in Greece, and their extirpation is only a question of time; that as brigands discover, as they have learned in their latest venture, the great peril of attempting raids from the Turkish border into the interior, and that their criminal enterprise fails to secure them adequate reward, they will abandon their vocation, as most of this class have already done. Still, this fact cannot be denied: security is not felt for free travel, even at a distance no farther than ten to fifteen miles from Athens, especially in the direction of Marathon. The government will only assume responsibility for the safety of the tourist or traveler after he applies to the proper authority, and is furnished a military escort. There is this sense of insecurity realized in consequence of the late re-appearance of the dangerous Spanos and his band in the provinces of Attica and Bœotia, though they are probably not now within seventy-five or a hundred miles of here. At the worst, it is said by intelligent Greeks, officials and others, that there is less brigandage in this kingdom than in Italy and Turkey, though the sparse population of many districts and the peculiar topography of the country greatly favor them, and put the government to proportional disadvantage in pursuing the outlaws; that the evil of the Ku-Klux in sections of the United States has been far greater in the excesses perpetrated, in the destruction of property and the loss of life, than all the crimes of the brigands in Greece, and that the disorders in France and not infrequent outbreaks of organized crime in Great Britain have also been far greater. There may be truth in this statement, and yet it does not absolve the Greek government from its paramount duty to assure security against any well-grounded apprehension of damage from brigandage, at least within a reasonable distance of its capital. This fact, I believe, is fully realized, and there is an honest determination to enforce the most efficient measures possible for the public safety.

I am, &c.,

JOHN M. FRANCIS.

No. 188.

Mr. Francis to Mr. Fish.

No. 27.]

LEGATION OF THE UNITED STATES,
Athens, January 13, 1872. (Received February 12.)

SIR: I have the honor to transmit herewith a copy of correspondence between the late minister of public instruction and myself relative to the educational system of Greece.

The facts presented in the accompanying official table for 1871, which has been carefully translated under my direction from the original, are interesting, as showing the condition of the public university and schools of Greece. It will be seen that the aggregate attendance of pupils at these several public institutions named numbers 73,219, which equals 1 to about 19½ of the population of 1,437,026. This is a creditable showing as compared to the educational condition of most other countries of Europe.

But besides the public schools there are private educational institutions in the different provinces of the kingdom, as follows:

	No.	Attend- ance.
Private primary schools for boys.....	43	2,958
Private primary schools for girls.....	67	2,017
Total attendance.....		4,975
Private high schools for boys.....	11	564
Private high schools for girls.....	13	1,025
Total attendance.....		1,589

In addition to these there are the following:

	Pupils.
Naval schools.....	83
Polytechnic school.....	300
Ecclesiastical schools.....	115
Roman Catholic schools for girls.....	240
Evangelical schools for boys and girls.....	676
Total attendance.....	1,414

These facts have been obtained from careful inquiry, and may be relied upon as substantially correct.

To recapitulate:

Attendance at university and public schools.....	73,219
Attendance at other schools named.....	7,978
Total school attendance in Greece.....	81,197

This is a percentage of 1 to 17½ of the population of the kingdom.

But an analysis of the statistics shows that of this number (81,197) attending the schools, 65,111 are males and 16,086 are females. It is evident that female education is badly neglected in Greece. The criticism may also be made that the governmental policy begins at the wrong end in its support of educational interests. The largest support is given to the university, which is free to all pupils. It educates students chiefly for the professions. Of the 1,244 now in attendance, it will be seen that 622 are named as law students, and 423 as students of

medicine. The result of this system of education is the overcrowding of the professions. The university turns out lawyers and doctors in sufficient numbers for a country of more than ten times the population of this kingdom. Their field for employment is, for the most part, confined to Greece and that portion of Turkey where the Greek language is spoken. Many of them, unable to obtain employment in their professions, grow up in idleness, too proud to engage in productive pursuits, and struggling for subsistence by other means than manual labor. Numbers take up politics and endeavor to obtain employment in the public service. These embrace a large portion of the office-seeking class, and constitute an element of mischief in political agitation by clamoring for frequent ministerial changes, in the hope of securing subordinate official positions.

Better that the government should pay more attention to the common schools, so as to render them more efficient. Little else than reading and writing is now taught in these primary schools. For further advancement the pupil must enter the intermediate school, (marked in the table as "Greek schools.") The facilities here are limited, as are also those of the gymnasia, the higher schools that prepare the student for the university. The entire attendance at both the intermediate schools and gymnasia in 1871 was 7,997.

Better that agricultural science should be popularized by governmental encouragement. The agricultural school at Firythus, in Argos, the only one that has existed in Greece, has been suffered to languish and is now closed. The polytechnic school at Athens is supported by the government, and has 300 students. The following branches are taught in this institution, namely: Painting, sculpture, wood-engraving, casting in plaster, architectural and mechanical arts. The latter branch is the only one involving manual labor of a practical character calculated to advance the material interests of the country. Better that the university itself should become an agency to impart intelligence to agricultural and manufacturing industry than add to the existing number of professional idlers.

The American mission schools in Athens are doing an excellent work. They are, first: Those founded by Mr. and Mrs. Dr. J. H. Hill, under the auspices of the Protestant Episcopal Church of the United States. The first school was established by them in July, 1831. These schools have been instrumental in giving an impetus to education, particularly as regards females, throughout Greece. During the forty years in which Rev. Dr. Hill and his accomplished wife have faithfully labored in this field of enterprise here, thousands have been educated in their schools. The pupils have been gathered from every rank the community. Many Greek ladies have been taught the English language in these schools, which are now under the charge of Miss Muir, Mrs. Hill still acting as directress. Number of pupils at this time, 442; of whom 105 are boys and 337 girls. Rev. Mr. and Mrs. Sakellarios have a school in Athens, established under the auspices of the American Baptist Missionary Union, with an attendance of 130 pupils—80 boys and 50 girls. This school was established only some three years since, and under its intelligent and efficient management is doing a good work. The same may be said of Mr. Kalopothakes' school, established about the same time under the American and Foreign Christian Union, having an attendance of 54 pupils, 29 boys and 25 girls. The Greek mind is naturally bright and active. Education is rapidly acquired. There is ground for hope that this people may make steady progress both in material and moral interests in the fact that the educational system of Greece has advanced

so far and accomplished so much from its beginning, some forty years ago.

I am, &c.,

JOHN M. FRANCIS.

[Inclosure 1 in No. 27.]

Mr. Francis to Mr. Philonos.

LEGATION OF THE UNITED STATES,
Athens, November 22, 1871.

SIR: In availing myself of your kind consent to furnish the legation of the United States with statistics respecting the educational system of Greece, I beg to submit the following inquiries:

1. Are the primary schools of Greece entirely free? How large a proportion of the entire population are now receiving instruction in the primary schools and higher institutions? How large a proportion of the population are able to read and write?
2. Have any steps been taken toward a compulsory system of education?
3. What is the character of the grammar-schools, or gymnasia, where young men are prepared for the university?
4. How many departments of instruction has the university? What is the average attendance in each department?
5. What is the condition of the normal schools?
6. How many agricultural schools are sustained, and what is the average number of students in attendance?
7. What facilities for higher education are provided for young ladies?

Thanking you for the courtesy that invites me to make these inquiries, accept, Mr. Minister, assurance of my high consideration.

JOHN M. FRANCIS.

[Inclosure 2 in No. 27.—Translation.]

Mr. Philonos to Mr. Francis.

KINGDOM OF GREECE,
THE MINISTRY OF ECCLESIASTIC AFFAIRS
AND PUBLIC INSTRUCTION,
Athens, November 22, 1871. (December 4, 1871.)

MR. MINISTER: In reply to the list of inquiries which you did me the honor to propose to me, I cheerfully make haste to send you the inclosed tables, in which will appear the number of common schools and Greek schools, the number of pupils attending them, and the number of teachers, as well as the number of professors and students in the national university.

1. The common schools, for boys and girls, are supported at the expense of the commune, the government also rendering aid where it is needed. The children of the rich, or the moderately well-off, if they attend these common schools, pay for tuition from ten to fifty leptas a month. The poor pay nothing at all. The teacher receives the tuition-fees and a salary besides. In regard to the proportion of those knowing how to read and write, as compared with those not knowing, we have not yet received such full information that we could speak with certainty.

2. Parents are required by law to send their children of the ages of seven to twelve years to the common school; but this law has not, thus far, been thoroughly enforced.

3. In the gymnasia are taught the preparatory studies for the entrance into the university, such as the ancient Greek and Latin languages, mathematics, history of elementary philology, with geography, &c. In the Greek schools the studies are preparatory to entering the gymnasia. Attendance in the Greek schools and gymnasia is without charge, inasmuch as our higher education is sustained at the expense of the government.

4. The university has four schools, those of theology, law, medicine, philosophy, and the school of pharmacy. The school of philosophy has two departments, mathematics and philology.

5. We have no normal schools. There was one, and it was given up that it might be reorganized on a better basis. Since that time those who propose to be teachers receive their training in the public schools and gymnasia by a system of mutual instruction.

6. There is only one agricultural school, at Tirynth, in Argolis. This is conducted at the discretion of ministry of the interior.

Accept, minister, the acknowledgment and assurance of my distinguished consideration and esteem.

PHILO PHILONOS.

Table of the higher, middle, and primary education.

HIGHER EDUCATION—NATIONAL UNIVERSITY.

Schools.	Professors.			Students.		
	Regular.	Extraordinary.	Honorary.	Natives.	Foreigners.	Total.
Theology	2	4	.....	20	6	26
Law	8	.....	1	556	66	622
Medicine	14	3	.....	299	124	423
Philosophy	16	4	.....	75	45	120
Pharmacy .....	.....	.....	.....	45	8	53
	40	11	1	995	249	1,244

MIDDLE EDUCATION.

Provinces.	Counties.	Boroughs.	Population.	Gymnasias.	Teachers.	Pupils.	Greek schools.	Teachers.	Pupils.
1. Attica and Bœotia	5	27	136,804	3	23	819	9	30	1,011
2. Phthiotis and Phocis	4	34	108,421	1	5	67	7	15	342
3. Eubœa	4	20	82,541	1	5	92	7	15	369
4. Akarnia and Aetolia	6	32	121,693	1	7	71	11	18	346
5. Cyclades	7	38	123,299	1	6	132	17	35	756
6. Achaia and Elis	4	29	149,561	1	7	163	9	19	660
7. Argolis and Corinthia	6	32	127,820	1	6	161	10	22	642
8. Arcadia	4	33	131,740	1	6	86	14	26	609
9. Messenia	5	29	130,417	1	5	76	11	19	473
10. Laconia	4	28	105,851	1	6	55	10	14	331
11. Zante	1	10	44,557	1	5	67	1	3	114
12. Cephalonia	4	16	77,382	1	5	58	3	8	183
13. Corfu	5	23	96,940	1	7	95	5	9	221
	59	351	1,437,026	15	93	1,942	115	233	6,035

REMARKS.—Out of the 1,942 students in the gymnasias, 238 are from foreign parts; and out of the 6,035 in the Greek schools, 106 are likewise from foreign parts.

PRIMARY EDUCATION.

Provinces.	Number of public schools.		Number of pupils.	
	Male.	Female.	Boys.	Girls.
1. Attica and Bœotia	94	65	5,413	2,635
2. Phthiotis and Phocis	87	9	3,830	723
3. Eubœa	48	10	3,063	799
4. Akarnia and Aetolia	71	9	3,402	467
5. Cyclades	80	42	5,721	1,996
6. Achaia and Elis	111	13	5,544	742
7. Argolis and Corinthia	87	17	5,281	1,231
8. Arcadia	116	15	7,588	791
9. Messenia	73	16	4,284	617
10. Laconia	66	7	3,285	173
11. Zante	32	1	758	75
12. Cephalonia	50	4	2,035	314
13. Corfu	64	5	2,634	332
	980	213	52,943	11,035

No. 189.

Mr. Francis to Mr. Fish.

No. 33.]

LEGATION OF THE UNITED STATES,
Athens, February 3, 1872. (Received March 1.)

SIR: Brigands are still hovering on the route between this city and Marathon. Yesterday a party of Americans, consisting of Messrs. Barksdull and Potter, of No. 21 Front street, New York, and my son, Charles S. Francis, made an excursion to Marathon. They were accompanied by a cavalry escort furnished by the government, which assured them that they would have perfect protection. Small squads of infantry were placed at several points where an ambuscade by the brigands would be possible but for this precaution. On their return, and when within fifteen miles of Athens, a dispatch was received by the commander of the escort from the war office, urging the party to hurry their return so as to reach Athens before dark, as positive information had been obtained that Spanos's band of brigands were skulking about the mountains on the route. Very soon an alarm was given by some infantrymen in advance. The cavalry with the party dashed forward with great rapidity, and captured a man said to be a brigand. He was on horseback, but could not escape, as cavalry were within easy firing distance of him before he was aware of their pursuit. He halted at their command, was disarmed, and searched. There were found in his possession a forged pass, some money, and a quantity of ointment used for dressing gunshot wounds. The man was conveyed to Athens, and lodged in jail.

The minister of war informs me that the government is doing all that is possible to hunt down and capture the brigand band now skulking among the mountains on the Marathon route.

I am, &c.,

JOHN M. FRANCIS.

No. 190.

Mr. Francis to Mr. Fish.

No. 37.]

LEGATION OF THE UNITED STATES,
Athens, March 2, 1872. (Received March 28.)

SIR: The venerable archbishop of Athens, Theophilus, who is perpetual president of the holy synod of the Greek church here, is a man of marked character and large influence and power. He is now seventy years old.

Archbishop Theophilus was archdeacon fifty years ago under Germanus, archbishop of Patras, the same who blessed the first flag and the leaders of the revolution on the 25th of March, 1821. This day has ever since been celebrated as the anniversary of the national independence of Greece. Archbishop Theophilus distinguished himself for heroism in several sanguinary battles of the revolution, in one of which he was severely wounded, and he has never fully recovered from the hurt. On the occasion of my call upon him recently, he received me with enthusiastic cordiality. He said the United States was the best friend poor Greece ever had. The generous contributions of the American people during the revolution, he remarked, saved multitudes of men, women, and children from starvation, and, said he, the tears streaming down his cheeks, "the Almighty Father knows how our hearts were then filled with gratitude for your great American people,

and how, ever since, we have invoked His blessings upon them—prayers that have been answered in the wonderful growth and prosperity of the model republic of the world.” Then, in response to my remark that we in America were now, as of old, the sincere well-wishers of Greece, he said, “Yes, we know that to be true. Other nations,” he continued, “that pretend to protect Greece, and profess to do so in the interest of Christian civilization against the ideas of tyrannical Turkey, do not show themselves to be such good friends of ours. *They flaunt the Cross from their foreheads, but cherish the crescent in their hearts.*”

I am informed that this venerable archbishop, in his discourses to his people, very often refers to the United States and its Government as presenting an example of political excellence and religious justice that should be held up as a model, not for Greeks only, but for the whole world. It is such sentiments, so deeply cherished and constantly disseminated by the old stock of the revolution in Greece, and of which the Archbishop Theophilus is an illustrious type, that keep alive the love of these people for our free institutions—for America and Americans.

I am, &c.,

JOHN M. FRANCIS.

No. 191.

Mr. Francis to Mr. Fish.

No. 38.]

LEGATION OF THE UNITED STATES,
Athens, March 2, 1872. (Received March 28.)

SIR: I have the honor to transmit herewith copies and translations of correspondence between the Greek minister of foreign affairs and myself on the subject of the tariff-duty imposed by the United States Government upon dried currants, the chief article produced by Greece for exportation.

I have little to add to the facts elicited by this correspondence. It will be seen that, in 1869, with our tariff of 5 cents per pound upon dried currants, the exportation from Greece to the United States was only 2,438,000 pounds. Under the reduced duty of 2½ cents per pound, the exportation was increased in 1870 to 7,159,500 pounds, and in 1871 to 10,709,400 pounds.

It is believed that a further reduction of the duty to *one cent and a half per pound* will have the effect to increase importations, so that the revenue of the United States will be augmented rather than diminished, at the same time an encouragement will thus be afforded to commercial enterprise between Greece and the United States advantageous to both countries. Thus American petroleum, largely consumed here, and now brought from Germany, Constantinople, and Smyrna, may be imported direct from the United States at a lower price, so increasing the consumption. Agricultural implements, machinery, &c., may also be shipped directly from America to Greece by ships that take out Greek products for our markets.

I do not hesitate, after a careful consideration of this subject, to express it as my deliberate judgment that beneficial results to the United States as well as to Greece will be realized by a reduction of the tariff upon dried currants to one cent and a half per pound.

I am, &c.,

JOHN M. FRANCIS.

[Inclosure 1 in No. 38.—Translation.]

*Mr. Zaïmis to Mr. Francis.*MINISTRY OF FOREIGN AFFAIRS,
Athens, December 10, 1871. (December 22.)

MR. MINISTER: A question of great importance to Greece is the development of the commerce of dried currants.

A part of this product is exported to the United States of America, and for some time past has been an object of commerce quite active between the two countries.

Although limited for the time being, this commerce is susceptible of a much larger development in the future. What appears to hinder this development is the duty on importations with which it is now burdened in the ports of the Union.

The American Government, moved by a sentiment of good feeling toward Greece, reduced this duty in 1870; but this reduction appears to be insufficient to encourage commercial enterprise, and to facilitate the shipments of this product to the United States in the undoubted interest of both countries.

We know that previous to the imposition of the high duty on importation which took place during the civil war, cargoes of dried currants were shipped directly from Greece to America. These shipments ceased after the vigorous application of the new tariff, and the export of dried currants to the United States was almost annihilated. In fact, we have known cargoes of dried currants to be shipped for England which English enterprise had tried in vain to introduce into the United States.

But, with the reduction of the duty on importation, direct shipments from Greece were resumed. It follows that to-day the American Treasury derives more profit from the importation of this article than under the former prohibitive tariff, and that a new reduction of the duty will bring about an immediate increase rather than a diminution of the receipts of the custom-house.

Looking at the question from another stand-point, one can easily satisfy himself that a further reduction, while bringing relief to the cultivators of currants, will not fail to promote the interests of industry and commerce in the United States.

Greece, Mr. Minister, being eminently an agricultural country, supplies herself from abroad with most of the manufactured articles necessary for her consumption.

If a new reduction of the duty on dried currants is made, direct shipments from Greece to the United States will be multiplied, and consequently the commercial interests of the two countries will be greatly promoted. The necessary result will be a mutual interchange of products; for Greece will supply herself with a large number of articles which are purchased to-day in the markets of France, England, Germany, and other countries.

It is, therefore, for the advantage of the American Government to take into consideration a proposition that promises to satisfy the needs of commerce and give more freedom to its enterprises. It is therefore with confidence, Mr. Minister, that I ask you to intercede with your Government that it may be pleased to propose to Congress, and, if possible during the present session, a new reduction of the duty in question that shall be more equitable, and more in keeping with the needs of commerce. The hearty friendship for Greece, of which the United States has given unequivocal proofs, encourages me to hope that the wishes now expressed will be favorably received.

Be pleased to accept, Mr. Minister, the assurances of my high consideration.

PH. A. ZAÏMIS.

[Inclosure 2 in No. 38.]

*Mr. Francis to Mr. Zaïmis.*LEGATION OF THE UNITED STATES,
Athens, December 26, 1872.

MR. MINISTER: I have the honor to acknowledge your dispatch of the date of December 10—22nd instant.

You refer to the tariff now imposed upon dried currants by the United States Government, and argue that a still further reduction of the duty imposed upon that article will have the effect to augment the commerce between the United States and Greece, and redound to the mutual advantage of both countries. I shall make haste to transmit a copy of your communication to my Government, from which it will, no doubt, receive the consideration its importance demands.

But, in order to enable me to present the matter as fully as I desire, I should be glad to have furnished me certain official information here, namely:

1. The aggregate in pounds of the shipments of Zaute currants to the United States

from Greek ports the year previous to the reduction of the duty in 1870 from 5 cents to 2½ cents per pound.

2. The aggregate of the shipments of Zante currants to the United States from Greek ports during the past year, or up to the latest official returns.

3. The average price of Zante currants at the ports of their shipments in Greece.

4. The duties imposed by the Greek government upon American petroleum, upon labor-saving agricultural implements, machinery, fire-arms, cotton manufactures, butter, cheese, and bacon.

I make the inquiry in respect to the custom-duties imposed by the Greek government upon the articles named, with a view of learning the possible opportunity for return exportations from the United States, in consideration of increased importations of currants from Greece.

Accept, Mr. Minister, assurances of my high consideration.

JOHN M. FRANCIS.

[Inclosure 3 in No. 38.—Translation.]

Mr. Bulgaria to Mr. Francis.

MINISTRY OF FOREIGN AFFAIRS,

Athens, February 18, 1872.

MR. MINISTER: By your letter, dated 26th December, 1871, to my predecessor, you have expressed the desire to obtain information as to the quantity of Corinthian currants forwarded from Greece to the United States during the year 1870, and in respect to the Greek importation duties upon petroleum and other products of American industry.

Mr. Zaimis hastened to ask for this information from the department of finance, and my colleague in that department has sent me in response the dispatch I have the honor to transmit herewith.

You will observe, Mr. Minister, that the importation of Corinthian currants to the United States was greatly increased from the year 1869 to 1871, inclusive. The increase promises to continue, according as import duties in the United States are diminished.

From the dispatch above mentioned, you will perceive that other products of Greece have also been sent to the United States.

I am, then, justified in the belief that if the American Government, in its solicitude for the well-being of Greece and in the interest of commerce, should still further reduce the import duties upon the Corinth currants, which duties are still very high, the commercial intercourse between the two countries will be largely augmented, and the two people, already so intimately related by sentiments of mutual sympathy, would realize the large benefits resulting from the increase of commercial enterprise.

Thus it only remains for me to reiterate the request that you will intercede with your Government, in the hope of obtaining a reduction of the import duties in question.

Be so kind as to accept, Mr. Minister, the assurance of my high consideration.

D. G. BULGARIS.

[Inclosure 4 in No. 38.]

Minister of finance to minister of foreign affairs.

ATHENS, February 9—21, 1872.

MR. MINISTER: In restoring to you under this envelope your note of the date of December 23, 1871, upon the communication of the minister of the United States of America, we have the honor to report these facts, which have been derived from the most exact information:

There has been exported from Greek ports to the United States the following quantity of Corinth currants:

In 1869.....	2,438,000 pounds.
In 1870.....	7,159,500 pounds.
In 1871.....	10,709,400 pounds.

The average cost of the currants ready to be shipped in the ports of the Peloponnese was—

*For 1869.....	209 drachmas.
For 1870.....	244 drachmas.
For 1871.....	199 drachmas.
For each thousand pounds.	

*In the figures of currency calculate one drachma as 17.25 cents. One hundred leptas make a drachma; six leptas one cent.

The average cost of the currants from the Ionian Islands was as follows :

For 1869.....	138 drachmas,
For 1870.....	186 drachmas,
For 1871.....	150 drachmas,
To each thousand pounds.	

The following duties are imposed by the Greek government upon the articles named :

Petroleum oil at the rate of 20 lepta per oke, (equal to about 3 pounds.)

Butter at the rate of 30 lepta per oke.

Cheese at the rate of 40 lepta per oke.

Lead at the rate of 15 lepta per oke.

For fire-arms, see printed tariff, inclosed.

For cotton and cotton manufactures, agricultural implements, machinery, &c., also re-furnished tariff enclosed on agricultural implements and machines, and complicated machinery for manufacturing generally, no import duties are exacted.

In 1871 there was sent to America 157,410 okes of raw wool, of the value of 234,039 drachmas.

If you desire further information, be so kind as to inform us, that it may be promptly furnished the minister.

PAPAMICHALOPONIO.

No. 192.

Mr. Francis to Mr. Fish.

No. 42.

LEGATION OF THE UNITED STATES,

Athens, March 23, 1872. (Received April 19.)

SIR: I have the honor to acknowledge the receipt of your dispatches numbered 15 and 16.

The returns of the recent elections in Greece have not been received from some of the more remote districts in the provinces, but sufficient is known to determine the general result. The present ministry is sustained by a decisive majority. It is claimed that of the one hundred and eighty deputies elected, Mr. Bulgaris, the prime minister, has some eighty supporters, and Mr. Commandouros forty to fifty. The latter has three of his friends in the cabinet, which fact is considered a guarantee that he will continue his support of the ministry. The opposition leaders, Deliorges and Zaïmis, are sure of no more than forty to fifty votes, the latter (late prime minister) having the least.

The irregularities and violence at the elections in a number of the provincial districts continue to excite very earnest discussion. It is charged that these excesses were perpetrated for the most part by soldiers, in the interest of the government candidates. The newspaper organs of the ministry state positively that the government gave the most explicit orders to have the law upheld, and to protect voters in the full exercise of their rights. They concede that in a few districts outrages occurred, so that the people were practically disfranchised. And they say that in all such cases the violators of law, no matter in whose interest they acted, must be punished, and that the chamber of deputies, on assembling next month, (April 7,) should make it its first duty to investigate this matter thoroughly, and order new elections where fraud and disfranchisement have prevailed.

The manner of conducting elections here is quite original. There is universal suffrage, as with us. The Greeks do not use printed tickets, but cast their votes in the following unique manner: Each candidate has a ballot-box assigned to him. The box is made of tin, and resembles in shape a stove, with a piece of horizontal pipe. The voter, on approaching the box, receives a small ball from the officer in attendance, and

reaching his hand into the pipe so far that his arm is hid up to the elbow he drops the ball into one of the two holes which lead into the two compartments of the box below. If he deposits the ball in the right hand hole, it is a vote for the candidate; if into the left, it is a vote against him. Thus every voter votes yes or no for every candidate. At the close of the election, which this year continued four days, the seals are broken and the votes counted in the presence of representatives of the candidates. The candidate who received the most affirmative votes is elected, provided also he has more ayes than noes. But it may happen that all the candidates are unpopular, and receive more negative votes than affirmative, and in this case a new election is necessary.

No one can be a candidate who does not deposit beforehand with the magistrate a nomination signed by at least one hundred voters. He must also pay fifty or sixty dollars for the expenses of box, balls, &c.

There are several advantages belonging to this system, besides the perfect secrecy which it gives to the voter. The friends of a given policy or measure can display their strength by running a candidate whom they have no chance of electing, and at the same time not lose the privilege of discriminating between the real competitors. Third-party men do not incur the reproach of throwing away their votes.

Again, nominating conventions, with their vast, expensive, and too often corrupt machinery, may be dispensed with. All the members of a party who wish to run for a vacant office can do so without necessarily hazarding one another's chances for success. The rank and file of the party will vote for all of their own party candidates, and the one who secures the largest vote from outsiders will, of course, have the largest total vote. His "availability" is proved in the campaign itself.

Again, not only can the members of a party which is hopelessly in the minority in a given locality determine which candidate of the majority shall be elected, but patriotic men of all parties, without voting against any of their party friends, can also compliment a party opponent whose public services or moral worth ought to be appreciated by the whole community.

This method of voting was employed in the Ionian Islands while they were under English protection, and was first introduced into Greece proper after the expulsion of King Otho. It seems to be generally acceptable, except to those who disapprove of secret voting altogether.

I am, &c.,

JOHN M. FRANCIS.

No. 193.

Mr. Francis to Mr. Fish.

No. 44.]

LEGATION OF THE UNITED STATES,
Athens, April 6, 1872. (Received April 30.)

SIR: The new chamber of deputies was opened by the King yesterday, April 5, on which occasion he delivered from the tribune at the Parliament House an address, of which the following is a translation:

It is with much happiness that I see around me the representatives of the people whose prosperity is the object of my ardent solicitude.

Providence has vouchsafed to give me another royal son, to whom my august father the King of Denmark, has given at the font of baptism the name of Nicholas.

My relations with foreign powers are friendly, and I have the firm hope that no difficulties in the future will intervene to disturb this good harmony.

It is with pleasure that I announce to you that the public security has so far improved that even during the excitements of the recent elections no serious troubles have anywhere occurred within the kingdom. I sincerely hope that this security will be still further strengthened through the earnest concurrence of the people.

The suspension of legislative proceedings postponed the vote of the budget, and prevented the enactment of necessary law for the collection of taxes. Meantime public expenses have accrued, and in the vote of the budget now it will be necessary to provide for them. So far, we have gone on collecting taxes upon the basis of last year's assessment.

My ministers will present to you the budget for this and next year, with the necessary bills for taxation.

In addition to these they will present some important bills for strengthening the public faith, enlarging means of communication, and the improvement of the public service, upon which is based the welfare of the country.

I am confident that the representatives of the people in the chamber will apply themselves with an earnest zeal to mature and pass into laws measures having these just objects in view.

Let the love for our dear country be our constant guide. Let us, under the protection of the Most High, unite our steady endeavors for the common welfare. And, in this purpose, let us invoke the Divine assistance to give us the will and strength to do our duty.

I declare this the opening of the first session of the fourth period of the assembly.

At the conclusion of the royal speech, cheers were given to the King.

The first duty of the chamber will be to decide upon the election returns. This will probably lead to an exciting debate, as it is understood that the opposition have determined to stoutly contest the election of nearly one-third the returned members, who, it is declared, have no just right to their seats. But probably the existing ministry will hold the majority, at least for the present, and affairs will not be materially changed.

I am, &c.,

JOHN M. FRANCIS.

No. 194.

Mr. Francis to Mr. Fish.

No. 51.]

LEGATION OF THE UNITED STATES,
Athens, May 4, 1872. (Received May 27.)

SIR: Exaggerated and false reports are constantly published by the European press concerning brigandage in Greece. These erroneous statements are not infrequently republished in American newspapers. They represent that the kingdom outside of Athens is under brigand rule, and that no traveler can with safety venture beyond the limits of this capital. To show the impression made by these publications, I may state the fact that I have received several letters from American tourists in Europe, inquiring whether they could visit Athens and its vicinity with safety.

Now the truth is, only a portion of the mainland of Greece bordering upon the territory of Turkey has ever been overrun with brigands. Two-thirds of the kingdom, including the Peloponnesus and the islands, are now and always have been free from these outlaws.

Driven from Greek soil, they cross the border, only to return when they can do so with the least danger to themselves and with some hope of reward for their daring. The border is extended; it passes over mountains, and through mountain defiles, and it is impossible to guard

it at all points by military force. And so it is that brigands get into this department of Greece in which the capital is located.

The Greek authorities have some three thousand soldiers employed to guard the frontier and afford protection against brigands.

Some two weeks ago a party of brigands, who had recently crossed the frontier into Greece, were traced to their place of concealment near the border, and the following persons were captured and killed, as reported to me by the government:

1. Basil Condojamis, a chief from Radovizia, in the province of Orta, Turkey, who took to brigandage in the year 1855-56, and became the most dangerous chief in those parts. In 1865 the Greek government proclaimed a reward of 15,000 drachmas for the capture and killing of this malefactor.

2. Demetrus Colocythis, from Orias, district of Ombracia, who took to brigandage in 1867. In 1870, a reward of 1,500 drachmas was offered for his capture and destruction.

3. Patsis Sartzis, from Maricadi, of the province of Outa, Turkey, who became a brigand five or six years ago. In 1870, the same reward was offered for the killing of this malefactor.

At the same time five prisoners, who had broken jail and escaped, were recaptured. They had undoubtedly joined the brigands.

The government authorities inform me that they are not now aware of the existence of a single band of brigands in this kingdom. But to provide against possible danger from their secret incursion from Turkey into Greece, they prefer to furnish a military escort for persons who desire to travel any considerable distance to the northward of the capital. This is done without charge. The country is sparsely settled, and such protection is always desirable. Mr. Brewer, United States consul at the Piraeus, accompanying two American citizens, is now making a trip to Thebes, Delphi, &c., and he telegraphed me from the former place that there is no evidence of the existence of brigands anywhere on this route, and that they are everywhere most cordially received by the people. A military escort accompanies them.

From the best information I am able to obtain, official and otherwise, I arrive at these conclusions:

1. That at present there is no organized brigandage in Greece.
2. That the government is doing all that it possibly can do to prevent its existence in the country.
3. That the danger from brigandage is confined to the northern section of the kingdom bordering upon Turkey.
4. That with a military escort, to be had for the asking, and without charge, travelers may visit this northern section without danger.

I am, &c.,

JOHN M. FRANCIS.

No. 195.

Mr. Francis to Mr. Fish.

No. 52.]

LEGATION OF THE UNITED STATES,
Athens, May 11, 1872. (Received June 4.)

SIR: Referring to my dispatch numbered 51, of the date of May 4, on the subject of brigandage in Greece, I have the honor to transmit herewith translations of extracts taken from recent issues of Athens

newspapers. The intelligence therein set forth, as I am informed from other sources, is substantially correct.

It will be observed that Takos, chief of the brigands who captured the English party two years ago on the Marathon road, some fifteen miles north of Athens, and subsequently murdered them, is now actively engaged in the work of brigandage and murder in Thessaly, Turkey, near the border. No earnest effort seems to have been made by the Turkish authorities to capture this desperado and murderer, and the result is that he resumes his vocation on Turkish soil.

The intelligence now communicated tends to confirm the assertion made by Greek officials and others here that brigandage in Greece comes from Turkey.

Soon after the murder of the English party by brigands in 1870, the British government requested Turkey to put forth efficient efforts for the extirpation of these criminals on her borders, and especially for the arrest of Takos, who had escaped into her territory after perpetrating the butcheries in Greece. But little or nothing was done more than idle promise to effect the object desired.

So long as Turkey neglects or declines to co-operate with Greece in the prosecution of proper measures for the suppression of brigandage, the northern department of this kingdom, including Bœotia and Attica, will be menaced by the evil, which is a great misfortune for the country. But I repeat that, with a proper escort always furnished by the government without charge, travel is probably as safe, even in the sections where brigands sometimes appear, as in any other sparsely settled country.

I am, &c., &c.,

JOHN M. FRANCIS.

[Inclosure No 1.—Translation.]

Extract from the Athens Morning Herald, May 4.

In the neighborhood of Tsepikles, of the district of Phersala, in Thessaly, (Turkey,) a band of brigands has killed three Turks. Another band of fifteen men, (probably that of Takos,) at Seskolo, in the neighborhood of Volo, seized the wealthy shepherds, Zegos and Theodore Dogias, and killed the former, but released the latter for a ransom of three hundred and fifty Turkish pounds. Another band, that of Takos and Velulas, killed the Wallach shepherd Bikares, of the village of Aguia, in Thessaly.

Extract from the Athens Future, May 6.

Later advices add that there has been a very bold display of brigandage in Epirus, in the two villages, scarcely five hours distant from Joannina.

Will not these doings rouse the Turkish authorities to unite with our own in singly and effectually hunting down this common scourge?

Extract from the Athens Regenerator, May 6.

As it is known that Takos Arbanitake is actually in the neighborhood of Larissa, (Thessaly,) with a band of 60—that is, in the very neighborhood of the boundaries—our government ought (and we trust it has already done so) to take timely measures and issue proper orders to those charged with the protection of our frontiers, in order to guard against a possible inroad of this band.

No. 196.

Mr. Francis to Mr. Fish.

No. 53.]

LEGATION OF THE UNITED STATES,
Athens, May 18, 1872. (Received June 11.)

SIR: Referring to my dispatch, numbered 52, of the date of May 11, I inclose herewith translations of communications furnished me by the Greek government for my information, to show that the Turkish authorities are responsible for the existence of brigandage on the border and adjacent provinces, both in Turkey and Greece.

1. The communication from Colonel Plessas, commander of the Greek forces in Phthiotis and Eurytania, represents that the measures of joint co-operation of the Greek and Turkish troops for the pursuit of the brigands in both countries utterly failed in consequence of obstacles interposed by the Turkish military forces, and that, on their part, there never was anything like earnest co-operation for the accomplishment of the object aimed at, namely, the extirpation of the brigands.

2. The dispatch of Mr. Pervelis, Greek consul at Larissa, in Turkey, conveying intelligence of a capture made by the brigands on Turkish soil and the exaction of ransom to secure release. Mr. Pervelis charges the Turkish authorities with carelessness, if not guilty indifference, in its policy with respect to brigandage.

I have been informed by reputable citizens here, outside of official circles, that Colonel Plessas is an honorable and efficient military officer, whose representations may be relied upon as perfectly truthful.

The official reports presented tend to confirm the assertion that brigandage, the great plague of Northern Greece, and which at times menaces the public security of Attica, has its headquarters, its place of secure refuge, in the Turkish provinces adjoining the border of Greece, and in the absence of proper efforts on the part of the military authorities in Turkey, by co-operation with the Greek troops or otherwise, to destroy the brigand bands, it is impossible to crush out the evil.

So far it is believed that none of the brigand bands have crossed over into Greece this season, and the Greek military forces are on the alert to prevent their incursions into this kingdom; but if they are allowed immunity and practical protection on the Turkish side, security cannot be assured against their occasional raiding across the border into Greece.

I have to repeat, however, that, with a military escort always tendered by the Greek government to persons who desire to make excursions to the northward of this capital, they have the best possible guarantee of safety.

I am, &c.,

JOHN M. FRANCIS.

[Inclosure No. 1.]

Condensed translation of a report of the Greek commander of the forces in Phthiotis and Eurytania to the ministry of war.

LAMIA, February 17-29, 1872.

I accompany herewith a report of the officer commanding the post of Sabhu-Bryon on the Greek frontier, exposing the conduct of the Ottoman commander in the province of Goura, toward the Greek soldiers, who, while on a patrol, hearing on the Turkish territory successive reports of fire-arms, and supposing some encounter of the Turkish troops with the brigands was in progress hastened to take part in the same, and

operate with their neighbors in the destruction of the common plague of the two adjoining countries.

This occurrence gives me an occasion to report all that I have written since I have entered on this command about the general policy of the Turkish authorities charged with the maintenance of public safety on the frontiers. I will thank the King's government to take these data into mature consideration, and transmit to me the necessary instructions, so that I may regulate the conduct of our detachments on the frontier in a way to avoid eventual encounter caused by the harsh behavior of the Turkish commanders.

Even before the creation of the joint detachments for the pursuit of brigandage, I had gathered much information, as well from the officers in charge and inhabitants as from my personal observations during my stay on the frontier, about the coldness exhibited by our neighbors in acting conjointly with us against the brigands, and their provoking manner, a sure token of inward hate, especially when measures were to be taken against the bands concealed in Turkish territory.

In many places on the frontier, where I remained some time, I was visited by inferior Turkish officers, who, it must be acknowledged, behaved individually with respect, and exhibited an amicable disposition; but the moment the conversation turned on brigandage and the bands concealed in Turkish territory, not only their arguments were weak, but they sought in an unjustifiable way to avoid acknowledging that the brigands found refuge on the other side of the frontiers, and to avoid co-operating with our troops in their pursuit. I was especially impressed by the endeavor of our neighbors to hinder any relation between ourselves and the Christian subjects of Turkey, in order to prevent our obtaining information about the places of concealment of the brigands within their jurisdiction.

I studied with attention the way to neutralize these dispositions of the Turks, so contrary to the noble object of the Greek government, namely, the restoration of entire safety in the provinces adjacent to the frontier; and I endeavored to treat the Turkish officers charged with this important duty with all possible courtesy and forbearance, and imposing the same manner on those placed under my command; but, unfortunately, the conduct of the Turkish officials remains unaltered.

In August of last year, the project concerning the formation of joint detachments having ripened, I had an interview with Miralai-Katzi Emir-Bey, commander of the Turkish detachments, and having agreed on the necessary basis, we drew up a protocol. In that interview the superior officer in question seemed to me well disposed toward the proposed measure; but when, during the discussion, we came to the details, the disagreement became evident, and my doubts and fears were fully confirmed by the events that transpired during the execution of the plan, on the part of those on the Turkish side to whom it was intrusted.

Wishing to discover the reason which led the Turks to desire the failure of the proposed measure, I have carefully investigated the matter, and have strong grounds for the belief that those charged with the execution thereof feared that the successful results would be attributed to the Greek soldiers, and would discredit their former proceedings. It is for this reason that the inhabitants of the country under their jurisdiction received stringent orders to give no information whatever about the brigands. This fact was made known to me and the officers under my command repeatedly by Turkish subjects, who approached us with the greatest secrecy and in fear and trembling. It is for this same reason that the Turkish officers and under-officers who served in the joint detachment hindered, as far as possible, the necessary movements, and did all in their power to frustrate the daily patrols and nightly ambuscades, so as to prevent any successful results of the pursuit. Deeply grieved at this premeditated counteraction, I communicated to Miralai-Bey what I thought necessary, demanding the cessation of this most injurious condition of matters; but although the answer of that superior officer was courteous, no practical amelioration ensued.

The creation of joint detachments, if no other result was achieved, because of the reasons above stated, established at least the fact that the bands of brigands remain concealed on Turkish territory, a fact officially acknowledged by the Ottoman general charged with the pursuit, in a protocol signed by himself. A copy of this protocol was transmitted by me at the time to the foreign office.

The joint detachments were abolished by an order of the ministry of war in November last, because of sanitary measures then necessary on the frontier, and have not since been re-established. But even now the Turks are very guarded in their relations with us with respect to the pursuit of brigandage, and their dislike against co-operation is still more evident, as they now openly avow it. No understanding remains between us, and whenever any such has been attempted, our overtures were received with the greatest coldness. In the mean time all the known bands remain and live in perfect peace and quiet on the neighboring territory, no measure being taken against them. Of these, the bands of Tacos, Belculah, Kanta, and Baurchi, having abandoned the western districts, went east in November last, and having joined the band of Tat-

seyianni, are now stationed at Goura and Armyro. Those of Camara, Rentina, Goulcosta, Coumbrauki, at times united and at times separated, haunt the Turkish districts between Kaitza and Lacrésii.

The above facts, which are fully authenticated by the necessity in which the Greek troops find themselves to be constantly on the move in order to prevent any eventual attack on the Greek territory, are a doleful omen for public security in the future; the existence of brigands on the one hand, and the nature of the frontier, which is perfectly open, on the other, rendering an inroad very probable. But what is worse, the negligence, not to say guilty indifference of the Turkish troops, destroys every hope of the extinction of brigandage; and fostered in this way, we may soon see it again flourish in all its ugliness.

I tried all official and private means in order to impress on the Turks charged with guarding the frontier the humane idea of the necessity of establishing public security for the benefit of the inhabitants of the two adjoining countries, and I repeatedly demanded a true and honest co-operation in the pursuit of brigandage, but, unfortunately, with no effect, although I proved to our neighbors the possibility, nay the certainty, of the destruction of the existing bands if the necessary measures were adopted. All that I can do now is to apply to the foreign office with the request to use the means in its power in order to ameliorate, if possible, the disposition of our neighbors, and thus accomplish the great object of the final establishment of public security for which the royal government has already sustained so many sacrifices.

PLESSAS, Colonel.

[Inclosure No. 2.—Translation.]

The consul of Greece at Larisse to the minister of foreign affairs.

LAMIA, March 12–24, 1872.

MR. MINISTER: A band of brigands, composed of eighteen men, captured ten days ago, near Derali, a village in the province of Domoko, a farmer, who was tormented and forced to pay a ransom of 15,000 piastres, after which he was released.

Accordingly, I believe it to be my duty to repeat again, Mr. Minister, that which I have many times said to you, namely, that the incapacity and the carelessness of the Turkish authorities and troops who have the pursuit of brigandage in charge; the care with which they avoid co-operating with our own authorities and troops; the carelessness which I have observed for some time, even among the high functionaries, in the application of the rigorous measures ordered against the brigands and their confederates—this carelessness which is an indication of the decrease of the severity of the orders, strict and imperious as they were, lately transmitted by the Sublime Porte to its functionaries; these indications, I say, make me foresee that not only the bands will remain on the frontiers, but yet there may be an increase of brigandage, in general, favored as they are by the fine season of the year, and especially encouraged by the want of success of the many extraordinary measures taken against them by the governments of the two adjacent countries. On account of laxity on the part of the Turkish authorities, as before stated, the brigands can now move easily, and recruit themselves among the men who are inclined to live upon plunder.

The established authorities of Thessaly, instead of troubling themselves about the brigands, are to-day most concerned about the collection of taxes, having received repeated orders from the Porte to finish this work, and with this end in view they are marshaling detachments of soldiers into that sort of service.

I have the honor to remain, Mr. President, your excellency's most obedient servant.

J. PERVELIS,
Consul, &c., &c.

D. G. BULGARIS,

President of the Council and Minister of Foreign Affairs.

No. 197.

Mr. Francis to Mr. Fish.

[Extract.]

No. 55.]

LEGATION OF THE UNITED STATES,
Athens, May 25, 1872. (Received June 17.)

SIR:

I have received your dispatches, numbered 21, 22, and 23, number

21 inclosing printed copies of the correspondence which has recently taken place between the Government of the United States and Great Britain on the subject of the indirect claims, as presented in the case of the United States, which was recently submitted to the board of arbitration at Geneva.

In her dealings with Greece, Great Britain has not manifested that repugnance to the doctrine of indirect claims, or "consequential damages," that she now evinces. I will cite an interesting case in illustration :

A man named Don Pacifico, a Portuguese Jew, who claimed to be a British subject because he was born in Gibraltar, resided in Athens several years prior and up to 1850. On several occasions Pacifico had complained of annoyances suffered by him, at the hands of the lower classes here, on the occasion of the Greek celebration of Good Friday, an abuse very common in the East ; in this instance the burning of a straw effigy of Judas Iscariot before his door. He finally made the matter of complaint known to the British minister, and through the intervention of the latter the annoyance was put a stop to. Irritated by the prohibition, it appears that on the next return of the day, (this was in 1848,) a mob of drunken fellows assaulted the residence of Don Pacifico with stones, broke some of the windows, damaged or destroyed a portion of his furniture, and greatly alarmed the old man and his wife. But they sustained no bodily harm. It was no doubt a very disgraceful affair, and justly excited the indignation of the public.

Pacifico appealed to the British minister, Sir Edmund Lyons, (afterward Admiral Lord Lyons,) who took the matter in hand with his characteristic zeal and impetuosity. Pacifico demanded compensation, presenting a bill of particulars, in 8,000 francs damages, *nothing more nor less.*

There existed no unwillingness on the part of the Greek government to grant equitable compensation, but the complaint was respectfully referred to the proper judicial tribunals for redress. According to the treaty between Great Britain and Greece, (4th of October, 1837,) and also according to the laws of Greece, if not the laws of nations, the pecuniary claim in question should have been submitted to the Greek tribunals. But the British government would not allow this to be done, Lord Palmerston declaring in most offensive terms that no confidence could be placed in Greek tribunals. Time wore on in the discussion of these points, and great irritation was excited needlessly. In November, 1849, the claim was increased from about £280 to £5,000 sterling! Of this latter sum £4,720 was in fact demanded as "consequential damages." It was intended as a salve for the wounded honor of the modest Jew.

The Greek government refused to submit to such an exorbitant demand. Matters remained apparently quiet for a few weeks. But suddenly there appeared off the Piræus harbor, on the 15th of January, 1850, a large English fleet under the command of Sir William Parker, consisting of six or eight ships of the line and several frigates and other vessels of war. Admiral Parker came up to town, and, with his suite, took up his residence with the British minister, Sir Thomas Wyse, who had a few months previously succeeded Lord Lyons.

On the 16th of January an ultimatum was sent to the Greek government demanding the payment of the £5,000, on account of the Pacifico claim, within twenty-four hours. There were other claims of a minor character included, but this one involved the main question in dispute.

The British minister received the reply of the Greek minister of foreign affairs, which was as follows :

I have received the note which you did me the honor to write to me yesterday. It would be impossible for me to express to you the feelings with which it has been read by His Majesty the King of Greece and his government. The whole nation will partake of them. Greece, sir, is weak, and she did not expect that such blows would be aimed at her by a government which she reckoned with equal pride and confidence among her benefactors.

In the presence of a force like that which obeys your instructions, the government of His Hellenic Majesty can only oppose its rights and a solemn protest to acts of hostility committed in profound peace, and which, without speaking of other interests of a higher order, are a violation in the highest degree of its dignity and independence.

In this sad conjuncture, certain of the support of the Greek people, and of the sympathies of the whole world, the King of Greece and his government await with sorrow the end of the trials which, by order of Her Britannic Majesty's government, you may still destine for her.

The next day (January 18) the British minister, with his family and the officials of the legation, retired from Athens and took up their abode on board Her Majesty's ship *The Queen*, with Admiral Parker. A rigid blockade commenced of all the harbors in Greece. The Greek flag disappeared from its waters. Commerce was entirely stopped. The British minister remained ninety-nine days on board the "*Queen*." French intervention finally put an end to this disastrous state of things. Pacifico received on board Her Majesty's ship *Ganges* (whither he had fled from the beginning) his £5,000 in gold, and he departed, never to be seen here again.

And so ended the blockade of the Piræus and the enforced payment of "*consequential damages*" to a British subject by a British fleet sent by a British cabinet.

I am, &c.,

JOHN M. FRANCIS.

No. 198.

Mr. Francis to Mr. Fish.

No. 62.]

LEGATION OF THE UNITED STATES,
Athens, June 29, 1872. (Received July 22.)

SIR: I inclose herewith a printed slip, with translation of the matter, the same being a communication by the holy synod of Greece to the minister of ecclesiastical affairs, requesting that legal proceedings be commenced against three missionaries here for "heterodox teaching" and preaching. I also inclose a translation of the first three articles of the constitution of Greece bearing upon the subject of religious liberty and personal rights. It is under the first section, forbidding proselytism, that it is proposed to prosecute the missionaries against whom complaint is made by the synod.

It will be seen that this complaint is founded, not upon any direct evidence possessed by the synod, but simply upon newspaper articles. This is admitted in the complaint.

Mr. Kalopathakis, the missionary first named, is a Greek citizen. He was mostly educated in the United States, married an American lady, recently deceased, and has for several years been employed here in mission work by the American and Foreign Christian Missionary Union. He publishes two religious Greek newspapers, one for adults and the other for children, and preaches on Sundays in the chapel

recently erected by him opposite the columns of Jupiter. He is a man of very pronounced opinions and strong will-power; but he declares that, though fearlessly preaching "evangelical truth" as he understands it, he never assailed the Greek Church at all. He plants himself upon his constitutional rights as a Greek citizen, and declares that he can and will successfully defend himself in case he is prosecuted.

Mr. Sakillarios, also a subject of synodic complaint and denunciation, lived in the United States many years, was there educated, and married to a Massachusetts lady. Mr. S., who is a native of Macedonia, of Greek parentage, is an American citizen by adoption, and now holds his naturalization papers. He has been only a few years here in the missionary service, and is employed by a Baptist missionary society in the United States. His wife superintends a free children's school of about 125 pupils, which is sustained by the society, and he preaches to a congregation in his own house on Sundays. Mr. S. is a mild-mannered man, indulges in no quarrels, and states that he never alluded to the Greek Church in deprecatory terms. On the other hand, his object has been to enlighten the minds of his hearers by reminding them of their personal duties, and impressing upon their minds the duty of obeying the commands of the Bible, which is precisely the same as that recognized in the Greek Church. He has never even organized a church here. Mr. Sakillarios does not believe the government will undertake to carry into effect the recommendation of the holy synod concerning the missionaries named in their complaint.

Mr. Constantine is a native of Greece, but went to America in early life, is a graduate of Amherst College, was married in Boston twelve or fifteen years ago, and returned to Athens as a missionary a few years since. He has held religious services in his own house, and has always in conversation with me on the subject deprecated everything that could be construed as an aggressive policy toward the Greek Church. Mr. Constantine is now in the United States on business connected with his missionary labors here, having left Athens for America more than three months ago. For several years he held the office of United States vice-consul at the Piræus, and discharged the consulate duties, acceptably I believe, a considerable portion of the time. He is a citizen of the United States.

The opinion is expressed by some of the leading Athens journals and by prominent Greeks who are devoted members of the Greek Church that this movement of the synod against the missionaries is unfortunate and unjustifiable; that it is a blow aimed at the liberty and toleration guaranteed by the constitution in the articles herewith transmitted, and that the government will incur severe public censure if it takes proceedings in the matter as recommended by the synod.

Of course I shall take no action in this case, nor meddle with it at all, unless a contingency shall happen, which I hope may not occur, wherein the rights of American citizens are assailed, and it becomes necessary to take proper steps under your instructions to uphold those rights.

I am, &c.,

JOHN M. FRANCIS.

[Inclosure No. 1.—Translation.]

SYNODIC COMPLAINT.

The holy synod of Greece to the minister of ecclesiastical affairs.

KINGDOM OF GREECE,

Athens, May 19-31, 1872.

Concerning the heterodox teaching, which has long been practiced here in *Athens*, by the missionaries M. Kalopothakis, Sakillarios, and Constantine:

It is now full five years since the synod, by its paper of April 6, 1867, No. 7107, accused the said M. Kalopothakis, yet, unfortunately, against all expectation, *nothing* was done about it.

Now, having been informed that in the house he has recently built, in the *Placa* ward, he has set up a church for the purpose of promulgating his heterodox doctrines, and every Sunday he does, in the full light of day, spread these doctrines for the purpose of proselyting; also that the other two, Sakillarios and Constantine, have established schools or meetings, in which they teach Greek children of both sexes, being likewise notified of the same by the inclosed papers, viz, No. 1780 of the newspaper called *the Age*, published at Athens, and secondly by an extra sheet also recently published, the holy synod is constrained, by its sacred and binding duties, to arraign once more the said missionaries, and to implore the bureau to hasten and render the authority of Greece respected, (at a time, especially, when the church suffers such trials in the east by various agencies, open and secret,) and to execute with severity the laws against those who attack the integrity and the peace of the orthodox apostolic church, that henceforth these infernal scandals and unlawful proceedings, which shake our holy religion to its very foundations, may be stopped. Otherwise there is great danger lest an irreparable damage, both religious and social, be done by these missionaries, who, without shame and without molestation, break the established laws, and openly and fearlessly injure the most holy things.

The synod, bringing these things to the notice of the ministers, within, as before said, the bounds of its sacred duties and of the law, is persuaded that the government will discharge immediately, and with severity, its own duties, and inform the synod in due time of its proceedings.

THEOPHILUS, *Archbishop of Athens.*ANTONY, *Bishop of Corfu.*PROCOPIOS, *Bishop of Oetilon.*PARTHENIOS, *Bishop of Gytheion.*IGNATIOS, *Bishop of Trephylas and Olympia.*

[Inclosure No. 2.—Translation.]

Extracts from the constitution of Greece.

Political constitution of Greece, subscribed to by our King, George I, November 16, 1834.

ON RELIGION.

ARTICLE 1. The established religion in Greece is that of the Eastern Orthodox Church of Christ; but every other known religion is tolerated, and the acts of its worship are celebrated without hinderance under the protection of the laws, proselytism being forbidden, and all other interference against the established religion.

ARTICLE 2. The Orthodox Church of Greece, recognizing as its head our Lord Jesus Christ, is inseparably united in doctrine with the great church of Christ in Constantinople, and every other of like doctrine, keeping immovably as do they both the sacred apostolic and synodic canons and the sacred traditions; but it is self governed, [self-headed,] exercising its rights of supremacy independently of every other church, and it is administered by a sacred synod of chief priests. The ministers of all the recognized religions are subject to the same supervision by the state as the ministers of the established religion.

ON THE PUBLIC RIGHTS OF GREEKS.

ARTICLE 5. Greeks are equal before the law, and contribute impartially to the public burdens in proportion to their property; but only Greek citizens are admissible to all the public offices. Citizens are such persons as have acquired or shall acquire the qualifications of a citizen according to the laws of the land. Among Greek citizens titles of nobility are neither given nor recognized.

No. 199.

Mr. Fish to Mr. Francis.

No. 35.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: Your dispatch, No. 62, of the 29th ultimo, relative to a complaint of the Greek synod against certain Protestant missionaries, has been received. As the complaint does not appear to have been acted upon at the date of your dispatch, no grievance which calls for interposition had been sustained. It is expected, however, that, if occasion should arise, you will cautiously and prudently maintain the rights of citizens in the exercise of their religion, as guaranteed by the constitution of Greece.

I am, &c.,

HAMILTON FISH.

No. 200.

Mr. Francis to Mr. Fish.

No. 63.]

LEGATION OF THE UNITED STATES,
Athens, June 29, 1872. (Received July 22.)

SIR: There appeared in the semi-weekly issue of the New York Times of the 28th ultimo an article copied from the Ancona (Italian) Journal, stating that nine Greek criminals of the worst description had been liberated by the Greek minister of justice from the penal colony on the island of Corfu, "on condition of their emigrating to the United States," and that on the 24th of April they were taken in chains from the stone-quarries of Corfu on board of the Italian bark Agamemnon, bound for New Orleans. The names of the alleged criminals are given, and the period for which each one was sentenced is stated, among them four highway robbers and two murderers.

The American correspondent of the London Times, writing from Philadelphia under date of May 31, repeats the same statement in substance, and announces that the Secretary of the Treasury had telegraphed to the collector of customs at New Orleans "to prevent the landing of the criminals when the Agamemnon arrived."

In the Greek chamber of deputies on Monday last, the 24th instant, Mr. Lombados, the member from Zante, read these statements to the chamber, remarking that libels on Greece were very common in the English newspapers, and, therefore, to be expected; but it pained him to see an article copied into a respectable American journal that impugned the honor and integrity of the Greek government. He therefore called upon Mr. Metaxas, the minister of justice, to answer whether there was any truth in the statements, or the least foundation for them. Mr. M. responded that the article of the Ancona journal was false; he had no recollection even of the pardon of any criminals bearing such names. Subsequently, by a vote of the chamber, the minister was instructed to report to that body a list embracing the names of all the criminals to whom pardons had been granted, and of those whose punishment had been commuted, during the past five years.

On the 26th instant this report was made to the chamber. The minister of justice, Mr. Metaxas, then ascended the tribune, and stated, in

substance, that from beginning to end the statement that Greek criminals had been shipped to America was false. No vessel had left Greece for the United States with such criminals on board; neither pardon nor commutation of punishment has been granted to criminals bearing such names as those reported by the *Ancona* paper; the story was a fabrication, a calumny upon himself, and upon the Greek government and people. Mr. Metaxas said he had requested Mr. Bulgaris, the minister of foreign affairs, to communicate this officially to the United States minister at Athens, so that the refutation of this last false and slanderous accusation against Greece may be the more thorough and complete.

I am, &c.,

JOHN M. FRANCIS.

No. 201.

Mr. Francis to Mr. Fish.

No. 64.]

LEGATION OF THE UNITED STATES,

Athens, June 29, 1872. (Received July 22.)

SIR: I have the honor to transmit herewith a copy of a letter addressed by me to Mr. Mélétopoulo, secretary-general of the minister of foreign affairs, under date of the 18th instant, inclosing documents on civil-service reform in the United States. And I also transmit a copy of the reply of Mr. Mélétopoulo, under date of June 14-26, which gives expression to the high appreciation by the Greek government of the measures inaugurated for civil-service reform in the United States.

I am, &c.,

JOHN M. FRANCIS.

[Inclosure No. 1.]

Mr. Francis to Mr. Mélétopoulo.

LEGATION OF THE UNITED STATES,

Athens, June 18, 1872.

SIR: In response to your verbal request, made some time since, to be furnished with documents emanating from the Government of the United States relating to civil-service reform, I have the honor to transmit herewith three documents on that subject which have been forwarded by the State Department at Washington for the use of the Greek government. These papers fully explain the system that has been adopted by the executive department of the Government of the United States to govern appointments to office.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure No. 2.]

Mr. Mélétopoulo to Mr. Francis.

MINISTRY OF FOREIGN AFFAIRS,

Athens, June 14-26, 1872.

MR. MINISTER: I duly received your letter dated 18th instant, including several documents relating to civil-service reform, which have been forwarded by the State Department at Washington for the use of the Greek government in consequence of the verbal request I made to you some months ago.

His Majesty's government are thankful for the communication of such important

documents, which show the steady and praiseworthy exertions made in the United States for the improvement of civil service, and which may prove useful and instructive for any similar scheme elsewhere. His Majesty's government, while they feel sure that the introduced form will be conducive to the scope contemplated, by insuring the scrupulous fulfillment of public duties in your great country, whose welfare is viewed with a deep interest by Greece, they think that the regulations governing admission to the Departments may be the more advantageously consulted for any reform of our own civil service, as the principle of unremovableness from office is already established here for judicial officers.

In expressing these feelings, Mr. Bulgaris, the prime minister and minister of foreign affairs, charged me to convey to you, and through you to the Government of the United States, his sincere thanks for your kind communication.

With sentiments of highest esteem, I remain, &c., &c.,

L. MELÉTOPOULO.

No. 202.

Mr. Francis to Mr. Fish.

No. 66.]

LEGATION OF THE UNITED STATES,
Athens, July 1, 1872. (Received July 22.)

SIR: Referring to your dispatch No. 35, I have the honor to report that I had an interview with the King on the 29th instant, and delivered to His Majesty the letter from the President of the United States in reply to one from him announcing the birth of a prince.

The King desired me to convey to President Grant his thanks for the good words of his letter.

Alluding to the reported reduction of the tariff duty on dried currants by the Congress of the United States, His Majesty said he felt very grateful for this act, which was a great boon to Greece, and he believed it would also redound to the advantage of the United States.

In the course of the conversation the King said that at no time since he had occupied his present place was the situation of affairs in Greece more favorable than at present. The business of the country is larger than ever before, its commerce had considerably increased during the past year, there is no brigandage to disturb industry, and, he said, "We are making some progress."

I am, &c., &c.,

JOHN M. FRANCIS.

No. 203.

Mr. Francis to Mr. Fish.

No. 67.]

LEGATION OF THE UNITED STATES,
Athens, July 3, 1872. (Received July 29.)

SIR: Referring to my dispatch No. 63, I have the honor to transmit herewith extracts from an unofficial letter addressed to me by Mr. Melétopoulo, secretary-general, under date of June 15-27, and my reply, (unofficial,) of the date of June 28, to this letter. I may say, in this connection, that the Greek government has caused this correspondence to be published in the Athens newspapers, with a view of removing misapprehensions in the public mind respecting the origin of the false reports charging that the government had sent a number of desperate Greek criminals to the United States.

I have to report that Mr. Bulgaris, the minister of foreign affairs, and Mr. Méletopoulo, secretary-general, called at this legation yesterday and held an interview of more than half an hour with me.

Mr. Bulgaris, in behalf of the Greek government, expressed his profound thanks for my truthful dispatch to the Department, of the date of May 4, on the subject of brigandage in Greece, which has been republished from the American journals by the London and Paris newspapers. He said the gratitude of all patriotic citizens of Greece would be awakened by this voluntary act of justice toward this kingdom and its government. Amid such a storm of calumny as that which Greece has to encounter, he said, it was a source of joy to him that His Majesty's government and people had a good and noble friend in that great power, the United States of America, a friend that gave them encouragement and sympathy in their struggles to overcome evils and secure good government, to promote the welfare and progress of this kingdom, and to uphold liberty and law as the basis of their institutions.

Mr. Bulgaris also expressed the fervent thanks of his government for the recent act of Congress, reducing the duty on dried currants, saying that it would prove vastly beneficial to Greece, and also advantageous to the United States, for it would have the effect to materially increase the commerce between the two countries, and induce reciprocal trade, from which gain would be realized by both.

Mr. Bulgaris desired that I should communicate these sentiments to the Government of the United States, with the expression of the best wishes of His Majesty's government for "the continued progress and increasing prosperity of the great and magnanimous Republic of the West."

I am, &c.,

JOHN M. FRANCIS.

[Inclosure No. 1.]

Mr. Méletopoulo, secretary-general, &c., to Mr. Francis.

ATHENS, June 15-27, 1872.

MY DEAR SIR: * * * * You are perhaps aware of the absurd story published some weeks ago by some American papers about the pretended transportation of a number of convicts from Corfu to the States. I do not know how such a hoax could be credited there, and call forth even preventive measures of the American authorities (as communicated to us in the report of His Majesty's consul in New York) against the announced landing of Greek outlaws from a fantastic Italian ship. But the fact is, it gave rise to a regular storm of abuse against Greece and its government in the columns of those papers, and provoked the other day an interpellation in our house of representatives to the minister of justice, and criticisms in the local papers. Although His Majesty's consul at New York hastened to contradict the story, Mr. Bulgaris sent to him, nevertheless, some days ago a cable dispatch to the same purpose, saying:

"Story about transportation of convicts or outlaws to the United States is an absurd and detestable falsehood."

I hope, after this contradiction, the learning of truth, and the publication of your truthful dispatch on brigandage in Greece, the evil produced by this falsehood is remedied, and that the papers which have reported it must feel some remorse on account of their abuse of Greece.

Yours, faithfully,

L. MÉLÉTOPOULO.

[Inclosure No. 2.]

*Mr. Francis to Mr. Méliotopoulo.*LEGATION OF THE UNITED STATES,
Athens, June 28, 1872.

MY DEAR SIR: Your esteemed favor of last evening is before me. I hasten to make reply, so as to disabuse your own and the mind of the prime minister of what seems to be an erroneous impression respecting the publication of the false reports in American newspapers about sending Greek criminals to America. These reports were not first published in America. 1. The detailed article, giving names of prisoners, their crimes, and terms of imprisonment to which they had been sentenced, and their alleged embarkation at Corfu for the United States on the 24th of April, appeared originally in the *Ancona (Italy) Journal*. It is so specific in its statements that, very naturally, it would be accepted in America as veritable, at least in substance, and it was copied into the *New York Times* and probably other American journals as a matter of news. 2. Besides this, I learn from a paragraph in the *Washington Republican* that a cable dispatch was sent to the American newspapers announcing the same thing. These statements, so positively set forth, would naturally be accepted as having foundation in truth, and hence they created attention and, no doubt, much surprise in the United States.

I am exceedingly gratified to learn that the story is altogether a fabrication, but it is unjust to lay the blame for its invention and circulation to the American press. As I have pointed out, it had its origin in Europe. I can assure you that, though entirely free, and, as is to be expected, sometimes hasty and inconsiderate in its utterances, the newspaper press of the United States is not reckless nor licentious. Least of all does it sympathize with efforts to slander and bring into contempt by persistent calumny a brave and friendly people and government. It has shown itself to be their friend in the past; it has never failed to give expression to the popular feeling of sympathy in the United States for weak and struggling nationalities that are striving for good government, and endeavoring to overcome the obstacles of enmity and prejudice that impede their progress.

I say so much as this for your information and to remove false and entirely unjust impressions toward American newspapers, impressions which I am sorry to see a prominent Greek newspaper, the *Age*, endeavoring to fasten upon the public mind by a long and very untruthful editorial in its last issue.

With sentiments of sincere esteem, faithfully yours,

JOHN M. FRANCIS.

No. 204.

Mr. Hunter to Mr. Francis.

No. 37.]

DEPARTMENT OF STATE,
Washington, July 30, 1872.

SIR: Your dispatch numbered 67, under date of the 3d instant, inclosing correspondence relative to the rumored shipment of Greek criminals to the United States, is received, and the communication which you addressed upon that subject to the secretary-general is approved. The contradiction which has been given by the government of Greece to the rumor referred to, as communicated in your dispatch No. 63, was, upon the receipt of that dispatch, sent to the press for publication.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 205.

Mr. Francis to Mr. Fish.

No. 69.]

LEGATION OF THE UNITED STATES,
Athens, July 3, 1872. (Received August 5.)

SIR: I have the honor to inclose herewith a translation of a com-

munication this day received from Mr. Bulgaris, minister of foreign affairs, expressing the cordial thanks of the Greek government for the reduction of the duty on Corinth grapes (dried currants) by the Congress of the United States.

I am, &c., &c.,

JOHN M. FRANCIS.

[Inclosure.—Translation.]

Mr. Bulgaris to Mr. Francis.

ATHENS, June 21, (July 3,) 1872.

MR. MINISTER: The consul of the King at New York, charged also with the management temporarily of His Majesty's legation in the United States, announces to me, as you know, that Congress has voted a new tariff, according to which the customs duty on Corinth grapes (dried currants) is reduced from two and a half to one cent per English pound.

This news has caused most lively satisfaction to my colleagues and myself, and without doubt will be welcomed by all our citizens with the same sentiments. It is because the Corinth grape is one of the principal products that Greece exports, and because the reduction just voted promises to increase considerably its exportation to the United States.

I am desirous, though it is only two days since I had the pleasure of seeing you at your home, to present the sincere thanks of the King's government to the Government and Congress of the United States for a decision which, in favoring the interests of our cultivators, will contribute powerfully to the development of direct commerce between the two countries, which are united by the warmest and most sincere friendship.

You have learned, Mr. Minister, with no less satisfaction of this reduction, because, solicited by the government of the King, you were kind enough to recommend it to your Government. Thus your recommendation, without doubt, came to the aid of Mr. Botassi's efforts at Washington, and therefore it was that I begged you the other day to accept personally my thanks. Permit me, Mr. Minister, to repeat here, in writing, these thanks, as well as the expression of my sentiments of high consideration.

D. G. BULGARIS.

No. 206.

Mr. Francis to Mr. Fish.

No. 74.]

LEGATION OF THE UNITED STATES,
Athens, September 14, 1872. (Received October 7.)

SIR: The Greek cabinet, as now constituted, is as follows:

Prime minister, minister of the interior, and minister of justice, Mr. E. Delegeorges.

Minister of foreign affairs, Mr. Spiliotaka.

Minister of finance, Mr. Christidi.

Minister of war, Mr. Grivas.

Minister of the navy, Mr. Drosse.

Minister of religion and instruction, Mr. Mavrocordata.

This ministry now seems to enjoy the popular confidence. Mr. Delegeorges has the reputation of being an upright man and a progressive statesman. His colleagues are capable officials who have had large experience in public affairs. The prime minister tells me that he has one great difficulty before him, the Sarium mine question. If that can be overcome and a satisfactory settlement arrived at, he believes he will have fair sailing. That question is simply this: There are large deposits of earth at Sarium containing particles of lead and silver. Under their contract with the Greek government, the French and Italian company insist that they have the right to take this earth and work it

with the scoria of the old mine. The government insists that the company are entitled only to the scoria, the refuse which the ancients left after extracting as much of the metals as they could by the imperfect appliances of their day. Modern science is now enabled to obtain additional treasure from this scoria. The government has placed a force of soldiers on the ground to prevent the company taking any of the treasure-earth. The company appeal to the French and Italian governments, to secure what they claim to be their right to take this earth. The Greek government objects to the interference of these foreign powers in the matter. It contends that the question is not an international one; that it is clearly a case to be tried before the Greek judicial tribunals. The Italian and French ministers, Messrs. Meliorata and Jules Ferry, have had this matter in hand the past two months. Mr. Meliorata has, it is understood, insisted that the question must be submitted to foreign arbitration, as originally recommended by the Italian and French governments, which recommendation the Greek government rejected. It is stated that Mr. Ferry is not clear that the question is properly an international one. It is intimated by the press here that his judgment inclines to the approval of the position assumed by the Greek government, that it is a case for the Greek courts, and not, at least in its present stage, a proper subject for diplomatic action. And here the matter rests at present. There is great uneasiness in the public mind concerning it. The company refuse to pay the heavy taxes that have been imposed upon them (being now 4,000,000 drachmas in arrears) on the ground that they are inequitable; that they are out of all proportion to taxes levied upon other interests, and that they amount to a confiscation of full 20 per cent. of the earnings of the company. The interests involved in the question are large in a pecuniary point of view; but the Greek government assumes that the demand of the company for foreign arbitration, if submitted to, would involve national dishonor and humiliation. The late ministry attempted a solution of the question by proposing a purchase of the company's interest in the mines, for 16,000,000 drachmas, waiving, at the same time, the four million of taxes claimed to be due, making an aggregate of 20,000,000 drachmas. This could not be carried, and for that reason Mr. Bulgaris and his associates resigned. Mr. Delegeorges, who had very earnestly opposed this proposition and insisted that the question between the government and the company should go before the Greek courts without foreign interference, now has the case to deal with, and he admits that it is the great and dangerous difficulty that confronts him.

I am, &c.,

JOHN M. FRANCIS.

H A Y T I .

No. 207.

Mr. Bassett to Mr. Fish.

[Extract.]

No. 95.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Oct. 31, 1871. (Received Nov. 16.)

SIR: In acknowledging the receipt of your dispatches No. 80, of August 31, and No. 81, of September 11, 1871, I have the honor to state,

in answer to your No. 81, that I shall continue to be, as I have ever been, observant and watchful of the acts, both of this government and of the foreign representatives here, tending to disturb the domestic peace and tranquillity of Saint Domingo. * * *

In my No. 91, of the 3rd instant, I have somewhat anticipated the latter clause of your No. 81, in which you instruct me to ascertain if the transmission of aid to the Dominican insurgents can be traced to the Haytian government. * * * In this case it would scarcely be prudent or even safe for any person who is either a Haytian, or has any permanent interests in Hayti, and who has direct knowledge of Haytian interference in Saint Domingo affairs, to come forward with testimony of that knowledge. And if, for instance, men or supplies are moved forward through the plains to the Dominican frontiers, or if Haytians are taken as prisoners of war over the boundary of Hayti, and the facts are brought to the government's attention, the reply is ready, in the one case, that the supplies and re-enforcements are sent forward to guard the Haytian frontier, and, in the other, that the Haytians taken prisoners as engaged in the contest, over the Dominican lines were so engaged without the knowledge or consent of their government, and must take the consequences. * * *

Since the publication in the official organ, *Le Moniteur*, no further similar official publication has appeared, and, as far as I am informed and believe, the angry project of ex-minister Lorquet to declare war against Saint Domingo has been abandoned, even Lorquet himself having ceased to discuss it.

The * * * here, who is something of a counselor of this government, * * * has since his late arrival from Europe steadily advised this government to abandon its secret, but thus far ineffective, warfare on President Baez. His idea, as far as I have been able to gather it, seems to be that President Saget should propose to President Baez a treaty, in which all questions of boundary should be settled, perpetual peace between the two republics be affirmed, and the ceding of any portion of the territory of either republic to any foreign power forever interdicted. This project, or something like it, was recently opened to President Baez through the English chargé in his recent visit to Saint Domingo. The Dominican minister, Mr. Gauthier, has, I suppose, informed you more correctly than I can of the whole proceeding in this regard. * * *

The French chargé d'affaires, the Count de Lémont, has not thus far manifested any special interest in the subject.

I have, &c.,

EBENEZER D. BASSETT.

No. 208.

Mr. Bassett to Mr. Fish.

No. 99.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Dec. 8, 1871. (Received Dec. 30.)

SIR: I have the honor, in again referring to the case of the steamer *Hornet*, to state that the Spanish frigate *Zaragoza*, carrying twenty-one

guns and four hundred and fifty men, accompanied by the Spanish gunboat Pizarro, carrying six guns and one hundred and sixty-five men, came into this bay and cast anchor in ready proximity to the Spanish gunboat Churruca, already here, on the 21st ultimo. It is scarcely necessary to observe that this presence of a Spanish squadron in the harbor of the capital of Hayti so soon after the rash ultimatum had been offered by the Spanish representative, Señor Oliveira, to the Haytian government in regard to the case of the Hornet, produced marked anxiety and alarm in all circles here, and had a visible effect upon business transactions. It seemed to be, in fact, generally apprehended that this array of Spanish force in the harbor of Port au Prince at this time and under the circumstances, could have been made only for the purpose of enforcing upon the Haytian government the alternative of accepting the responsibility of indemnifying Spain for all damages said to have been or which may be committed against its interests in Cuba by the Hornet. At a conference held at his request between him and myself on the 22d ultimo, the minister of foreign affairs, manifesting much uneasiness, seemed to partake of this apprehension, and said he had sent for me to ask my advice. The Haytian man-of-war La Terreur having just come into port for coal and provisions, expecting to return shortly to the south, where the President still is, the minister asked me if I would advise him to dispatch the Terreur at once for the President and the three ministers of state with him. "What can I do?" said he to me. "What do you think? What would you advise?" I told him I could not advise him about sending the Terreur for the President; but I ventured to intimate to him that in my judgment no safe and honorable course was open to his government other than to conserve its neutrality in the case of the Hornet, and stand firmly by the position which it had already taken and which seemed to me to be in fair conformity with the principles of international law.

The anxiety and alarm were increased from the fact that the Spanish officials held no intercourse with the shore until the third day after their arrival, when Señor Oliveira sent to the minister a dispatch quite remarkable in its character. The dispatch (see inclosure A, minister's note conveying to me the substance of this dispatch) stated that the commander of the Spanish squadron had addressed him (Señor Oliveira) a note inquiring whether the government would guarantee that the Spanish representative would be, as it was charged in this note he had not always been, properly respected by the populace if he were to return to the city from the Churruca and resume the duties of his office. This dispatch was the first communication that Señor Oliveira had held with the Haytian government since he addressed to the minister, October 4, the ultimatum already referred to. The minister at once responded that there was no doubt but that all due respect would be shown by everybody here to the Spanish representative.

Still it seemed singular that a Spanish squadron should be sent here simply to inquire about Señor Oliveira's standing with the populace; and most persons thought that the Spanish commander must have come on some mission touching the Hornet affair. All conjecture was soon removed by a dispatch sent on the 29th ultimo to the minister, by Señor Oliveira. This dispatch covered one from the commander of the squadron, making the extraordinary demand that the Haytian government should assume the responsibility of preventing the Hornet from leaving this port, and to this end, that it should dismantle her and hold in charge certain of her essential equipage, a demand which he declared to be conformable in every particular to his instructions. The

minister, in a formal interview with the Spanish officials, declined to accede to this demand unless it should be mutually agreed to between them and myself. He requested an audience with me the next day for the purpose of conferring with me on the subject. I, of course, declined to enter into any arrangement of the kind. And on the 4th instant he embodied in a dispatch, (see inclosure B,) which covered a certified copy of Señor Oliveira's, (see inclosure C,) what he had already conveyed to me at our conference. I promptly replied, (see inclosure D,) formally declining to entertain the proposition to dismantle the Hornet, denying the right of any foreign government to take such action as that which was indicated in Señor Oliveira's dispatch against any vessel of the United States which lawfully carries the American flag, and telling him that, in my judgment, the general position which his government had assumed, to conserve its neutrality in this case, was substantially in accord with the requirements of public law.

The minister told me that he had embodied my dispatch in his reply to Señor Oliveira, from whom, however, no further communication has thus far been received. The Spanish frigate Zaragoza and the gun-boat Churruca are yet here, and Señor Oliveira still remains on board the latter. The Pizarro has left these waters to bear, it is said, dispatches from the consul and the squadron to the captain-general of Cuba.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure A in No. 99.—Unofficial.—Translation.]

Mr. Denis to Mr. Bassett.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, November 24, 1871.

MY DEAR MINISTER: I have this morning received a dispatch from the consul of Spain. He has simply said therein, that his admiral, now in our harbor, desires that the consul should inform him if he, the consul, thinks that he will continue to be as much respected and considered as he has hitherto been by the Haytian government; and if my government would guarantee that he, the consul, would not be hereafter exposed to the vexations of the populace, as it has already happened to him several times.

I need not say to you what will be my answer to such a question. The conduct that my government has always observed toward the representatives of foreign governments will assuredly lead you to anticipate its tenor.

Yours, very truly,

DENIS.

[Inclosure B in No. 99.—Translation.]

Mr. Denis to Mr. Bassett.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, December 4, 1871.

MR. MINISTER: I have the honor to transmit to you, under this cover, a copy of a dispatch received by me from the consul of Spain, bearing date November 29th, ultimo, relating to the steamer Hornet.

The day after the receipt of this dispatch I had an interview with the Spanish consul, who was accompanied by an officer of the frigate Zaragoza.

After having concurred in our view of the strict neutrality that we ought to observe in this question, these gentlemen declared that they desired the Haytian government to assume the responsibility of the safe-keeping of the Hornet until the difference existing in relation to this vessel shall have been settled at Washington between the American Cabinet and the Spanish minister.

In response, they were told that the *Hornet* being American property, as you have written to us, and as Mr. Fish has repeated the same thing at Washington to our minister resident, we could only consent to accept her safe-keeping on condition that you would give your entire approbation to the same.

I shall be very happy to have your opinion on the question in order to communicate that opinion to the Spanish representative, Señor Oliveira.

Be pleased to accept, Mr. Minister, my very high consideration.

DENIS,

Secretary of State for Foreign Affairs.

[Inclosure C in No. 99.—Translation.]

Mr. Oliveira to Denis.

CONSULATE-GENERAL OF SPAIN IN HAYTI.

MR. MINISTER: I have the honor to transmit a literal copy of a dispatch of yesterday's date, that was addressed to me by the general (commodore) of the squadron of my nation, stationed in this port, which dispatch is couched in these precise terms:

"Iron-clad frigate *Zarogaza*. I hope that you will, with all possible diligence, transmit to the government of the republic of Hayti the following demand, which conforms in every point to the tenor of my instructions. It is that the steamer *Hornet* shall be effectively detained here, her detention being secured in such a manner that the said steamer, guarded by the Haytian government, shall not be able in anywise to deceive the vigilance of which she shall be the object.

"To attain this end, I think it indispensable that the rudder, safety-valves, and running-gear of the steamer should be dismounted and deposited in the arsenal, or some other establishment. These precautions will not only guarantee our country, but also that which by such preventive means shall have concurred in thus securing this arrangement."

In now having the honor to bring these instructions to your attention, I await your response to this demand.

I am led to hope, Mr. Minister, from your known amiability of character, that you will be pleased to answer me as soon as possible, in order that I may report to the general (commodore) the accomplishment of his desires.

May God grant you a long life.

Saluting you most respectfully, I am your obedient servant,

RAMON V. OLIVEIRA.

ON BOARD OF STEAMER *CHURRUCA*,

Harbor of Port au Prince, November 29, 1871.

Certified copy:

DENIS,

Secretary of State for Foreign Affairs.

[Inclosure D in No. 99.]

Mr. Bassett to Mr. Denis.

LEGATION OF THE UNITED STATES,

Port au Prince, December 4, 1871.

SIR: Your dispatch of this date, inclosing a certified copy of a communication addressed by the Spanish representative, Señor Oliveira, to your government, relative to the steamer *Hornet*, is before me. I have carefully noted the tenor of the demand made by the general (commodore) of the Spanish squadron, now lying at anchor in this bay, as that demand is stated in Señor Oliveira's dispatch, which is to the effect that the Haytian government shall not only assume the responsibility of holding the *Hornet* in custody here, but that it shall give a guarantee of its good intention in that regard by dismantling the said steamer, and placing in depot here her most important equipment; and I have also noted your statement of the result of a subsequent conference on the subject between yourself and Señor Oliveira, in company with an officer of the Spanish squadron.

In response to your request for my opinion on the question, I have the honor to state that this demand of the commanding officer of the Spanish squadron now here strikes me as extraordinary. I not only feel constrained to decline to entertain the proposi-

tion as stated by him, but I must also deny the right of a foreign government to take such proceedings as are indicated in this demand against any vessel of the United States which has regular papers, and which lawfully carries the American flag.

The position of strict neutrality, assumed by your government in this case of the Hornet, and the principles upon which you have based that position, as far as known to me, I believe to be substantially in accord with the requirements of public law.

I am, &c.,

EBENEZER D. BASSETT.

No. 209.

Mr. Fish to Mr. Bassett.

[Extracts.]

DEPARTMENT OF STATE,

Washington, January 3, 1872.

No. 90.]

SIR: With reference to the steamer Hornet, so long detained at Port au Prince, and watched apparently with hostile purpose by a Spanish man-of-war, I transmit a copy of a correspondence between Mr. Mayorga, her owner, and the Secretary of the Navy, the object of which has been to relieve the Hornet from the virtual blockade to which she has been subjected. You will notice that Mr. Robeson offers to send the frigate Congress to Port au Prince to convoy the Hornet to Baltimore or New York. If, however, she should not be ready for sea within a time specified, then Captain Davenport is to place officers and a crew on board, who are to navigate her to her destination. * * You will extend to Captain Davenport, a copy of whose orders is also herewith inclosed, any facilities which may be necessary for the full and proper compliance with them. It is hoped that the whole business may be transacted smoothly and without obstacle from any quarter.

I am, sir, your obedient servant,

HAMILTON FISH.

Mr. Robeson to Mr. Fish.

NAVY DEPARTMENT,

Washington, January 3, 1872: (Received January 3.)

MY DEAR SIR: I send herewith copies of my instructions to Captain Davenport, and accompanying papers.

If you have any instructions or dispatches to send by the Congress, please send them to this Department to-day, that I may transmit them without delay to Captain Davenport.

Yours, &c.,

GEO. M. ROBESON.

Mr. Robeson to Captain Davenport.

NAVY DEPARTMENT,

Washington, January 2, 1872.

SIR: The United States steamer Congress, under your command, being reported as in all respects ready for sea, you will sail without a moment's unnecessary delay after the receipt of this order.

You will proceed with dispatch to Port au Prince, Hayti, where it is supposed you will find the steamer Hornet ready, under the agreement made between this Department and her owner, Mr. J. M. Mayorga, to sail to some convenient port of the United States.

Copies of the letter from Mr. Mayorga, and the reply of the Secretary of the Navy

with the assent and agreement of Mr. Mayorga to the terms and conditions thereof, under which you are to perform this special service, are inclosed herewith.

You will observe and carry out the terms and times therein mentioned, and will bring the vessel into such United States port, either New York or Baltimore, as you may find most convenient.

The Department intrusts this duty to you with full confidence in your ability and discretion.

You will, if it be possible, on your arrival at Port au Prince, put yourself in communication with the diplomatic representative of our Government at that place, show him your orders, and obtain from him all advice and assistance he can give you.

You are authorized, to insure the carrying out of these orders, to take such measures, not contrary to the express terms of the agreement, as you may deem proper, putting officers and a sufficient force aboard the *Hornet* if necessary.

You will, of course, permit no interference with or insult to the flag in your presence, and when you have taken general or special charge of the *Hornet*, you will under no circumstances allow any interference by the representative of any other power.

On your arrival in the United States with your convoy, telegraph to the Department immediately, and hold yourself in readiness for such further orders as may be sent you.

Very respectfully,

GEO. M. ROBESON.

Mr. Mayorga to Mr. Robeson.

NEW YORK, November 29, 1871.

SIR: I beg respectfully to inform you that I have received information from Port au Prince, Hayti, to the effect that my steamer *Hornet* is closely watched and blockaded by a Spanish man-of-war, whose officers have openly threatened to seize her as soon as she leaves said port. Under these circumstances, and as it now becomes necessary in the way of business for that vessel to leave said port and to enter upon another voyage, I am compelled to make you known of the fact, that the conduct of the Spaniards is alarment, and inflicts the same injury as an actual seizure of the vessel, since it being prevented from leaving said port, she becomes useless for trade, and entails, besides, making great and profitless expenses.

I must, therefore, respectfully request you to inform me at an early day whether I can rely on the protection of the American Navy to enable the *Hornet* to leave Port au Prince, or whether, such protection being refused, I am to be thrown on my next and only available resource of giving up the vessel into the hands of the Spaniards, and standing on my rights as an American citizen for the enforcement of my claim for damages against Spain.

Trusting your honor will not misconstrue my expressions, I mean no threatening nor disrespectful language. But your honor will readily perceive the situation I am in, and being under the apprehension of great pecuniary loss, I desire to know what is the status of my interest before the government so as to guide my action.

It seems to me impossible that the United States Government can allow this state of things to continue. The Spaniards, by abstaining from an actual seizure of my vessel, seek to elude the interference of the United States Government; by blockading her they inflict the same, if not, as it may turn out, a greater injury. If this has no redress, it will be to my advantage to abandon the vessel. An early reply will oblige, sir,

Your obedient servant,

J. M. MAYORGA.

Mr. Robeson to Mr. Mayorga.

NAVY DEPARTMENT,
Washington, December 21, 1871.

SIR: Referring to your letter of the 29th November, in regard to the steamer *Hornet*, and your personal representations upon the same subject-matter, to the effect that your only wish is that the vessel shall be allowed to proceed on a peaceful and lawful voyage to the United States, but that you are fearful of her seizure by Spanish cruisers in the event of her attempting such voyage, I beg to say that while the Department is not able, with the means at its command, nor willing, as a matter of public duty, to detail a naval vessel merely for the purpose of standing guard over and protecting your ship on all occasions and under all circumstances when you may conceive her to be in danger, yet, as you represent her now to be in effect blockaded in the harbor of Port au Prince, I am willing, if you are also willing and consent to such action, to send a United States vessel of war to Port au Prince to bring your steamer *Hornet* out of the

harbor, and into some convenient port of the United States, either Baltimore or New York, as the commander of the United States ship may find most convenient : provided your ship will be ready to sail from Port au Prince in twenty-five days from this date, and the United States vessel be not detained in that port on this duty more than three days beyond that time, it being understood and agreed that if the Hornet be not in all respects ready for sea at the date last mentioned, the commander of the United States ship shall be authorized to put a sufficient number of men and officers on board of her, and himself to bring her to the United States as aforesaid, and that in any event the Hornet shall be at all times, during the voyage from Port au Prince, and until she is brought into the United States harbor as aforesaid, under the general direction and control of the officer commanding the United States ship for the purpose aforesaid, the United States to assume no marine risks, however. This proposition is made to give you direct and actual relief from the situation in which you claim you are placed, and to remove your ship from its present position as a possible cause of irritation between the United States and any other power, but is in no way to operate as any release to the Hornet or her owners from any obligations or liabilities to which she or they may be legally subject or liable in the United States or elsewhere.

Yours, &c.,

GEO. M. ROBESON.

I hereby agree and assent to this proposition, and all the terms and conditions thereof.

J. M. MAYORGA.

DECEMBER 21, 1871.

No. 210.

Mr. Bassett to Mr. Fish.

[Extract.]

No. 107.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Jan. 17, 1872. (Received Feb. 5.)

SIR: Captain H. K. Davenport, of the United States war steamer Congress, came into this port on Sunday, the 14th instant, and on the following morning, having exchanged the customary national salutes with the authorities of the port, he called at the legation office and handed me your dispatch, No. 90, of the 3d instant. (Your Nos. 86, 87, 88, and 89 not yet received.) From this dispatch and its several inclosures I learned the nature of Captain Davenport's mission here. We had free and full conversation in relation to the Hornet, and during the day we called together to pay our respects to the President. His excellency adjourned his cabinet meeting to receive us, and was very cordial toward us in all respects. Both he and his ministers, who were all present, appeared greatly satisfied with Captain Davenport's information to them that he had come here expressly to convoy the Hornet to the waters of the United States.

On the following day Captain Davenport handed me a dispatch, (inclosure A,) in which, covering some of the points that we had freely discussed at our interview, he solicited certain information, and unfolded the plan which he thought to adopt in fulfilling his instructions in regard to the Hornet. Inclosure B is my reply, in which the required information is stated, and in which I take occasion to express my approval of his purpose to place on board of the Hornet an officer to represent him in case of need during her voyage, and to convoy her to Baltimore rather than to New York.

It happened also, yesterday, while Captain Davenport and myself were in conference at the legation, Her Britannic Majesty's chargé d'affaires called on me, partly to return a visit of Captain Davenport and

myself at his legation, and partly to introduce to me Señor Pedrorena, the Spanish consul and chargé d'affaires, who has just arrived here from Madrid to fill the vacancy occasioned by the recall of Señor Oliveira. Señor Pedrorena manifested neither surprise nor interest in Captain Davenport's statement that he was on the point of convoying the Hornet to the United States.

In your No. 90 you express the hope that the whole mission of the Congress here may be transacted smoothly, and without obstacle from any quarter. I am happy to be able to state that all the details of this mission, up to this moment of the departure of the Hornet and the Congress, have been, under the judicious discretion of Captain Davenport, worked in such a manner as to be entirely acceptable to every one here.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure A in No. 107.]

Captain Davenport to Mr. Bassett.

UNITED STATES STEAMER CONGRESS, (2d rate,)

Port au Prince, January 16, 1872.

SIR: As you are aware of the cause of my presence here, having seen my orders, as well as being in possession of a copy of them furnished by the State Department, I will thank you to give me all the information in your power touching the movements of the Spanish vessels of war which have maintained a "quasi" state of blockade of the steamer Hornet at this port.

When did they raise the blockade, and what were the circumstances?

In view of the changed state of affairs, the withdrawal of the Spanish cruisers from this harbor since my instructions were issued, I think it would be well to guard against the contingency of the Hornet falling in with a Spanish cruiser after leaving this port, to convoy her to Baltimore, and thence notify the Department of my action.

If you have any suggestions or counsel to give me in the premises, I will thank you to do so, as suggested by Mr. Robeson in my letter of instructions.

I propose to sail on Thursday morning, the 18th, at early daylight, and will be happy to take charge of any letters, &c., which you may desire to send.

I am, &c.,

H. K. DAVENPORT,

Captain Commanding Congress.

[Inclosure B in No. 107.]

Mr. Bassett to Captain Davenport.

LEGATION OF THE UNITED STATES,

Port au Prince, January 16, 1872.

SIR: In acknowledging the receipt of your communication of this date, in which, referring to the steamer Hornet, you do me the honor to ask information as to the departure of the Spanish men-of-war that have so long maintained a quasi state of blockade of that steamer here, defining your purpose to convoy her to Baltimore, and ask me also for any suggestion which I may have to make in this regard, I have the honor to state that during the night of the 1st instant a Spanish man-of-war came into this harbor, and, after having communicated with the Churruca, the Spanish gun-boat then and for some months previously here watching the Hornet, immediately put to sea. The Churruca herself left these waters abruptly on the morning of the 2d instant, thus freeing us from the presence of Spanish men-of-war in this harbor for the first time in more than eleven months.

I am, &c.,

EBENEZER D. BASSETT.

No. 211.

Mr. Bassett to Mr. Fish.

[Extract.]

No. 119.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, March 25, 1872. (Received April 17.)

SIR: I have the honor to state that the United States war-steamer Nantasket cast anchor in this harbor on the 14th, and left for Santiago de Cuba at 8 o'clock on the morning of the 21st instant. I was surprised to see her returning to anchorage late in the afternoon of the same day, but soon learned that on her passage out of this bay she was hailed by a boat carrying the American flag. It proved that this boat contained Mr. Gustave Jastram, our vice-commercial agent at Saint Marc, who gave information that he had been driven from his post of duty by armed violence, and that he had come to Port au Prince to lay a statement of the facts in his case before me. This statement, which will presently appear, was of such a nature that I deemed it advisable for me to repair to Saint Marc to investigate all the occurrences and circumstances that Mr. Jastram had complained of, and make such representations to the President and his ministers, who were reported to be at that point, as the result might warrant.

The officials at Saint Marc seeming to realize at last the seriousness of the steps they had taken with Mr. Jastram, hurried off dispatches by land to the minister of foreign affairs here, with the apparent purpose of getting their statements before him in advance of any others which might be offered. Early the next morning, almost before the usual business hour, he addressed me a dispatch (see inclosure A) intimating that, as the sole representative of the Government here for the time, he was prepared to give me all information of the affair at Saint Marc. I went to him and heard his version of the occurrences, which was apparently intended to shield the officials of his government from all blame in the matter. I frankly told him that his statement was quite at variance with others which I had heard, and struck me as an additional reason for my proposed visit to Saint Marc.

Captain Carpenter approved of my view of the desirability of visiting Saint Marc for the purpose indicated, and we weighed anchor for that port, accompanied by Mr. Jastram, in the afternoon of the same day. We reached Saint Marc on the morning of the 23d instant, and invited the highest government official whom we found there to join us in our investigation, but he haughtily refused to have anything to say on the subject. We, however, received the testimony of Mr. De Lande, English vice-consul, Mr. Lota, French vice-consul, and other disinterested and competent persons. These statements, which substantially agree with Mr. Jastram's, are to the effect that Mr. Jastram and Mr. De Lande were sent for about 1 o'clock on the afternoon of the 20th instant, by a Haytian family named Batrville, with whom they both had business relations; that, supposing that their presence was needed for some business affair, they went to the house of this family, and were surprised to find about the premises numerous armed men, who seemed to be there on some mission unfriendly to the Batrilles: that on being appealed to by General Batrville, aîné, according to the custom of the country, for protection, they both stated to him that they could not, under the circumstances, render him any assistance whatever, and then left the premises; that shortly after their arrival at

the office of Mr. Jastram they saw General Batrville, in company with another man, walking toward them, but supposing that he might be under arrest, and not wishing to witness the scene or be again appealed to, they both turned and walked toward the back part of the office; that on passing the office Batrville called out to Jastram, saying he wished to hand him a letter for his wife, and on stepping forward to do this he rushed past Jastram and De Lande, through the consular office, under the idea that he could claim protection as a political refugee; that thereupon the person in company with Batrville attempted to seize him, but after having pursued him through the office, Jastram took him by his coat to prevent further pursuit, and ordered him to quit the premises, which he did, but in a few minutes returned with a body of some twenty armed men, who, without showing any authority for his arrest, immediately seized Jastram, and with violence dragged him into the street, a distance of some rods, when Mr. Lota, the French vice-consul, who had been sent for by Mr. Jastram, appeared on the scene, and, joining his protestations with those of the British vice-consul, succeeded in persuading the armed men to desist from their loudly-declared purpose to drag Jastram to prison; that afterwards other Haytian officials, among them the minister of justice, came to Jastram's office and demanded that Batrville be delivered up; that this was also requested in a written dispatch from the commander of the department; that to these demands Jastram replied, that, placing himself upon a recognized custom of the country, he would prefer to delay Batrville's surrender until he could get instructions from the legation; that armed men then entered Jastram's premises and took Batrville by force therefrom; that during all these proceedings a large number of persons congregated in the vicinity, and very abusive language was used by some of the government officials and others against Jastram and his colleagues; and that Mr. Lota felt himself so outraged at the proceedings which he had witnessed against Jastram that he struck his flag and resigned his office.

Inclosure B is Mr. Jastram's report of the proceedings; inclosure C my reply to him; and the declarations of the English and French vice-consuls are marked D and E.

* * * * *

This morning, after free and ample consultation with Captain Carpenter, whose careful opinion and discreet judgment I have sought, and who has advised me at every step in this affair, we called upon the minister of foreign affairs to make known to him the result of our investigations, and lay before him our impression of the bearing of the facts developed. He received us with courtesy, and said it would be necessary for him to make a fresh investigation with reference to the statements which I made to him. We thereupon retired, and I subsequently sent to him a dispatch, (inclosure F,) in which I reiterate what I said verbally at our interview, by informing him that, without touching at all upon the question of the right of asylum to political refugees in our consulates, and without anticipating any construction which he may put upon the actual occurrences, I feel that a wrong has been done by the forcible arrest of Mr. Jastram in his consular office by an armed band of men under command of a Haytian officer, without due process of law, and that I feel this all the more because such a proceeding has never before been ventured upon toward any duly recognized consular officer in the Haytian Republic. As the case seems to demand some notice at our hands, I call upon the minister to give as a reparation: (1) the making of the officials who took part in the case sensible

of the displeasure of their government; (2) a suitable apology to this legation; (3) a guarantee that in future no consular officer of the United States shall be molested by any Haytian authority without due process of law; and I suggest to him that, as a public testimony of the good disposition of his government in the case, a salute of twenty-one guns be fired for the American flag. This last suggestion I felt it necessary to make, because the affair having attracted great public attention, I know this salute would impress the public feeling of these peculiar people with more respect for our flag in the future, and because I firmly believe that the proceedings which they have taken toward Mr. Jastram would never have been taken toward a consular officer of any other power represented here. It is the first time in the history of this republic that they have ever been ventured upon.

* * * * *

A word frankly spoken, if you will permit it, on the question of the right of asylum to political refugees in our consulates, is due to Mr. Jastram if not to myself. I have never been unmindful of your instructions No. 24, of December 16, 1869, and No. 32, of February 4, 1870, relating to this subject. But I have not passed the views therein expressed to our sub-consulates here, because the instructions did not direct me to do so, because no occasion had arisen before this one at Saint Marc, nor did we anticipate one so soon or so sudden, for any allusion to the subject since the receipt of those dispatches, and because I knew that some of our consular officers were in direct communication with the Department.

Mr. Jastram, therefore, ignorant of these instructions, acted in the matter as his predecessors and his colleagues had acted in like cases, and in this placed himself upon the instructions of consular regulations, pages 23 and 24.

I am, &c.,

EDWARD D. BASSETT.

[Inclosure A in No. 119.—Translation.]

Mr. Ethéart to Mr. Bassett.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, March 22, 1872.

MR. MINISTER: It has come to my knowledge that a protest, drawn up by Mr. Jastram, residing at Saint Marc, has been addressed to you.

In the name of my government, which I represent at the capital, I am ready to give you all desirable information on the subject of this protest.

Be pleased, I pray you, Mr. Minister, to accept the renewed assurance of my very high consideration.

L. ETHEART.

[Inclosure B in No. 119.]

Mr. Jastram to Mr. Bassett.

PORT AU PRINCE, *March 21, 1872.*

SIR: I have the honor to report to you that on the 20th instant I was called upon by a messenger from Madame Batrville, aîné, with whom I am in commercial relations, asking me to call at her residence without delay. I arrived immediately, and found her house surrounded by a military force, and asked to see said Madame Batrville, which was accorded. I went up stairs, and met there Mr. De Lande, Her Britannic Majesty's vice-consul, in company with General Batrville, aîné, who addressed me these words, "See my position," to which both Mr. De Lande and myself replied that

we were not in a position to protect him. We then retired from the residence of the said Batrville, it being then business hours, and proceeded together to my office. Shortly after said Batrville, aîné, appeared before my store, and coming towards me entered my consular office, and claimed, in the name of humanity, protection of the American flag. Following the example of my predecessors and colleagues under the same circumstances, I accorded freely such protection as my consular office afforded. I must not omit to mention that another man, who, I believe, accompanied through the streets to my office the above-named refugee, and under whose protection it appeared to me he came there—since, if he was conducting Batrville to prison, it was unnecessary to come through my street—immediately thereafter claimed of me the surrender of the aforesaid refugee Batrville, aîné. This I refused to do without first communicating the facts to you and hearing your decision on the case. After repeated threats and menaces against my person and flag, I felt it my duty to insist that this man should leave my premises, threatening to treat him as a trespasser. He retired, but immediately returned in command of a file of soldiers, and after again demanding the surrender of the refugee, and my again refusing to surrender him, this armed mob forcibly entered my office, seized me with violence, and dragged me therefrom to and through the public streets, leveling at me their loaded rifles, without showing any order or authority for my arrest. I protested against these indignities on my person and flag, but it was of no avail. Mr. Lota, the French vice-consul, who was sent for by me, and who was proceeding to my office, met me in the undignified position above related. He expostulated, remonstrated, and protested against the indignities to which I had been and was still subjected, and it was only after my colleague actually rescued me from their hands that I was allowed under his protection to return to my consular office. On arriving there a letter was handed to me from the commandant of the department No. 39, which I inclose herewith, demanding—after he must have known of my own arrest—the surrender of Batrville, aîné. I did not reply to this letter, because I was suffering from nervous excitement, caused by my ill treatment. Shortly after, the “assemblée générale” was beaten and all the citizens were under arms and surrounded my office. Then the secretary of state for justice called and requested me to surrender the above refugee. I replied to him as I had replied to others before him, that I did not feel authorized to deliver up a refugee without first communicating with and receiving instructions from your legation. Upon this refusal the secretary ordered the general of the arrondissement, then present, to search the premises and arrest the man, which, notwithstanding my formal protest, was successfully accomplished in true Haytian fashion by an unruly soldiery in presence of the French vice-consul.

I must also inform you that, during the time the above facts occurred, my consular office was surrounded by armed men, and that the general of the arrondissement, after having made threats against the British and French vice-consuls and myself, ordered his soldiers to load arms and threatened to fire upon us. He was only prevented by General Mentor Nicolas, ex-commandant of the arrondissement, who told him that in acting thus he violated not only the laws of nations, but Haytian laws, and advised him to be more prudent. Immediately thereafter I forwarded to the commandant of the arrondissement a written protest against the violation of my premises by Haytian soldiers and insult to the flag.

These indignities decided me, Mr. Minister, to leave my post of duty immediately, to communicate with you, as it seemed to me that our flag cannot again float with honor until it be fully vindicated.

The French and British vice-consuls, who showed me much sympathy and attention, communicated the facts of my arrest and the violation of my consulate to their respective chargés d'affaires. The French vice-consul, Mr. Lota, had struck his flag on my departure from Saint Marc.

The archives are under seal, as also my place of business, being a commission merchant, and having American interests under my care.

I am, &c.,

G. JASTRAM.

United States Vice-commercial Agent at Saint Marc.

[With inclosure B in No. 119.—Translation.]

Mr. Jean to Mr. Jastram.

Liberty.

Equality.

No. 39.]

REPUBLIC OF HAYTI, SAINT MARC, March 20, 1872,
69th year of independence.

ACQUÊ JEAN, Major-General, commanding the Department of the Artibonite.

SUB: General Batrville, aîné, arrested for political disorder, has just escaped from

the hands of the authorities, and has taken refuge in the American consulate, where he is at the present moment.

In the name of public order, gravely menaced in the country, we invite you, Mr. Consul, to surrender the citizen.

Knowing the interest that you have, as well as we, to see the tranquillity of Hayti, we have the firm conviction that you will accede to our demand.

In this hope I renew to you the assurance of my high consideration.

ACOUNE JEAN.

[Inclosure C in No. 119.]

Mr. Bassett to Mr. Jastram.

UNITED STATES LEGATION,
Port au Prince, March 22, 1872.

SIR: I acknowledge the receipt of your dispatch of this date, in which you detail certain unpleasant proceedings that were taken at Saint Marc on the 20th instant, in reference to yourself, by persons in the service of the Haytian government. I have read with painful interest all the statements with which you favor me.

Whether or not Articles IV and V of the consular regulations, in view of the privileges and powers exercised by consular officers of other nationalities represented here, would afford a color of justification for your action in resisting the forcible arrest of the man Batrville, *ainé*, who had taken refuge in your consular office, I do not propose to discuss. Suffice it to say, on this point, that our Government will not sanction any resistance by its consular officers in this republic to the arrest by the authorities, for the time being, of any persons who may take refuge in its consulates here.

From your representations I am pained to learn that persons in authority under the Haytian government used what seems to me unjustifiable, unlawful force and violence upon your person—a proceeding which I think the officers of this republic never before ventured to take under like circumstances toward any acknowledged consular officer here.

I have conferred with Captain C. C. Carpenter, commander of the United States war steamer Nantasket, in reference especially to this point of your dispatch, and it has been decided that I shall proceed to Saint Marc on the Nantasket, to make there a full and impartial investigation into all the facts and circumstances of the case. I expect to have the opportunity, in the course of my investigation, of communicating with President Laget and three of his four ministers of state, all of whom are said now to be at Saint Marc.

Please hold yourself in readiness to accompany me to Saint Marc on the Nantasket, which will leave this evening.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure D in No. 119.]

COMMERCIAL AGENCY OF THE UNITED STATES,
Saint Marc, Hayti, March 23, 1872.

John Alexander de Lande, esquire, British vice-consul for the port of Saint Marc, declares that, on Wednesday, the 20th instant, at about 1 o'clock p. m., he was requested by several bearers from Madame Batrville to wait on her at her residence; that supposing she required him on business he repaired there, and found the house, to his surprise, surrounded by soldiers; that permission being granted him to enter he went up stairs and saw General Batrville, *ainé*, who said to him, "See my position," to which the undersigned replied that he was not in a position to give the said Batrville any protection; that at about this point Mr. Gustave Jastram, the United States vice-commercial agent, appeared and was appealed to by Batrville in the same language, and was replied to in the same way as by the undersigned; that, accompanied by Mr. Jastram, the undersigned retired and gained the United States commercial agency, where shortly after he observed the aforesaid Batrville, under escort of an officer, coming down the street, and, not desirous of seeing the men, retired within the store, when suddenly he heard a rush, and saw the said Batrville running into the consulate for protection and pursued by the officer in whose charge the undersigned supposed he was; that Mr. Jastram then told the officer to respect his house, but the officer insisted to have the man, using violent epithets against the United States vice-commercial agent and the undersigned; that the officer, gathering his soldiers, ordered them to enter and take the said Batrville by force; that upon this Mr. Jastram protested against the violation of his consulate, when he (Mr. Jastram) was violently assailed

by the officer and his soldiers, dragged from the consulate to and down the street, and was only released from the mob by the commander of the arrondissement, who appeared at the moment; that the undersigned was then joined by Monsieur Lota, the vice-consul of France, who used his best efforts to appease matters, and requested the authorities, before further attempting to violate the American consulate, to try the effect of diplomacy by addressing the United States minister at Port au Prince; which, however, Minister Rameau, who had by this time arrived, and met the undersigned at the United States consulate, refused to accede to, stating that he knew his business; that thereupon the undersigned left and returned to his house, where he heard shortly after that the American consulate had been violated a second time and Batrville taken out.

In testimony whereof the said John Alexander de Lande hath hereunto subscribed his name.

J. A. DE LANDE,
Her Britannic Majesty's Vice-Consul.

[Inclosure E in No. 119.—Translation]

Mr. Lota to Mr. Bassett.

Statement of Mr. I. B. Lota, consular agent of France for the port of Saint Marc, Hayti, made at the United States commercial agency at that port March 23, 1872.

Mr. I. B. Lota, consular agent of France for the port of Saint Marc, deposes as follows:

On Wednesday, the 20th day of March, 1872, I was requested by Mr. Gustave Jastram, vice-consul of the United States, to come to his agency. I hastened to respond to his call, and found him surrounded by a band of armed men, two of whom held his arms and were dragging him in the streets to conduct him to prison. I appealed to the officer, commanding the detachment, to allow Mr. Jastram to return to his agency, which request the officer, after some hesitation, acceded to. Later, I was present at the arrest of General Batrville, senior, made by some officers of the government in a house said to be occupied by Mr. Martelly.

In testimony of the same I have hereunto subscribed my hand.

I. B. LOTA,
Vice-Consul of France at Saint Marc.

[Inclosure F in No. 119.]

Mr. Bassett to Mr. Ethéart.

LEGATION OF THE UNITED STATES,
Port au Prince, March 25, 1872.

SIR: I have the honor to state that I have made a full and impartial investigation, at Saint Marc, into all the facts and circumstances attending the unpleasant proceedings there on the 20th instant, in course of which it was alleged, as I remarked to you at our interview on the morning of the 22d instant, a refugee was forcibly taken from the United States consular office at that point, and our consular officer, Mr. Jastram, himself suffered violence at the hands of persons in the service of your government. I regret that I could not receive, as I requested from the highest functionary of your government, whom I found at Saint Marc, encouragement to avail myself of any statement of the affair which he might have chosen to give me. But the English vice-consul, the French vice-consul, and other persons, who were eye-witnesses of the proceedings, concur in testifying to the assault upon Mr. Jastram. He was seized, without due process of law, in the consular office of the United States at Saint Marc, by a band of armed men, who were under command of an officer of your government, and who were by him ordered to take Jastram to prison. By them he (Jastram) was dragged into and through the public streets, and violent threats and insolent language directed against him and his colleagues, the English and French vice-consuls, while his premises were surrounded and menaced by this band of armed men. Of the substantial correctness of these statements I have no doubt. I do not propose to discuss with you now the seizure and arrest of the refugee. Upon that fact itself I decline to say anything further at this time.

But the assault and violence upon Mr. Jastram's person, which are above described seem to me to be actions of a grave and serious character. Whatever construction your government may put upon these proceedings, let it be understood that we ourselves feel and shall continue to feel that we have been aggrieved by them; that we have just cause for complaint. Never before, as I believe, have any officers in the service of the Haytian Republic ventured upon such conduct toward any duly acknowledged consular officer of any foreign power represented in Hayti. I regret that a beginning of such conduct should now be taken against a consular officer of the United States.

It can scarcely be expected that these proceedings on the part of those in authority under your government should be passed over without some proper notice. It becomes my duty, therefore, to make known to you that the reparation which I ask of your government for this action on the part of its officials is—

1. That the persons in the service of your government, who took part in the assault and violence upon Mr. Jastram, shall be at once made sensible of the displeasure of your government for their action in this particular.

2. That a suitable apology be made to this legation for the proceedings complained of.

3. That a guarantee be given to this legation, that in future no consular officer of the United States shall be molested by any Haytian authority without due process of law.

And I would suggest that, as a public testimony to the good disposition of your government in the matter, a salute of twenty-one guns be given to the American flag.

As Mr. Jastram is absent from his post of duty in consequence of this affair, and our commercial interests at Saint Marc may be subjected to inconvenience by his absence, I respectfully request that you will give the subject your early attention.

I am, &c.,

EBENEZER D. BASSETT.

No. 212.

Mr. Bassett to Mr. Fish.

No. 123.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, April 8, 1872. (Received May 6.)

SIR: Recurring to my 119 of the 25th ultimo, which relates to occurrences at Saint Marc between our consular officer and the authorities there on the 20th ultimo, and which covers sundry communications made on the subject up to that date, I have the honor to state, on information just received from our consul at Cape Haytian, that there have been, and are still, political refugees in the English vice-consulate at the Cape, supposed to have been connected with the insurgents who lately appeared there, and that the English vice-consul has, in spite of the repeated demands of the authorities for them, and in spite, too, of the very great excitement which naturally exists there in reference to them, steadily refused to deliver them up. I learn also, on authority of equal reliance, that the English vice-consul at Gonaïves was reported to have refugees in his consulate, and that the authorities thereupon stationed a guard at a very respectful distance from his premises, but made no other demonstrations against them.

These facts, viewed in connection with those reported in my No. 119, might suggest the inquiry why these Haytian officials are so careful to avoid collision with the sub-consulates of some other nationalities, when, at the same time, and under the same circumstances, they have proved themselves so ready to dash upon our consular officer at Saint Marc.

In your No. 32 of February 4, 1870, you instruct me that the Department expects me "to be firm in maintaining the rights of our citizens, and the dignity of the Government of the United States." Under this instruction, which is in perfect accord with my own settled convictions, and in the firm belief that if the unlawful proceedings against our consular officer at Saint Marc were to be allowed to go unrebuked, this

single fact would create a greater disparity between the consideration with which these officials seem to regard us, and that with which they appear to regard some other nationalities, than the foregoing statements indicate, I took and have maintained the action reported in my No. 119.

It is due to the Haytian government, however, to observe that they seem now, under my representations, disposed to look more seriously upon the affair than at first, and that appearances indicate that they will gladly accede to the terms I named to them, as they are stated in my No. 119, though they ask for a delay of a few days until the return of the President. I have exchanged communications with the government here since the date of my No. 119. But as the packet by which I send my dispatches of this date is on the eve of departing, I cannot now, but will at the next opportunity, forward this additional correspondence to the Department.

I have, &c.,

EBENEZER D. BASSETT.

No. 213.

Mr. Fish to Mr. Bassett.

No. 101.]

DEPARTMENT OF STATE,
Washington, May 3, 1872.

SIR: Your dispatch No. 119, of the 25th ultimo, relative to a signal indignity offered to Mr. Jastram, the consular agent of the United States at Saint Marc, by persons in the service of the government of Hayti, has been received. The spirit, diligence, and promptness shown by you on the occasion are approved. As there seems to be no doubt that the officer who trespassed upon the office of Mr. Jastram, for the purpose of arresting Mr. Batraverse, was aware of the official character of the former, that act, and the gross, causeless, and unprovoked maltreatment of Mr. Jastram must be regarded as an international grievance. You will consequently press for due reparation from that government, which must at least make the officer who was guilty of the improper conduct adverted to sensible of its displeasure, and must express to this Government its regret for the occurrence.

I am, &c.,

HAMILTON FISH.

No. 214.

Mr. Fish to Mr. Bassett.

No. 103.]

DEPARTMENT OF STATE,
Washington, May 16, 1872.

SIR: Your dispatches numbered 120, 122, and 123 have been received. For the views of this Department respecting the indignity offered to the consular officer of the United States at Saint Marc, to which you revert in your dispatch No. 123, you are referred to my instruction No. 101, of the 3d instant.

I am, &c.,

HAMILTON FISH.

No. 215.

Mr. Bassett to Mr. Fish.

No. 127.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, May 16, 1872. (Received May 29.)

SIR: I have the honor to invite your attention to the inclosed correspondence with the Haytian minister of foreign affairs, in relation to the landing of a howitzer from the United States war steamer Nantasket at Cape Haytien, on the morning of the 19th ultimo. The occurrence appears to have caused very considerable excitement at Cape Haytien. But the prompt explanation made to the authorities at the Cape by our consul, and by Captain Carpenter, seemed to allay this excitement somewhat.

When, however, the government here received news of the affair, they seemed, for the moment, to catch inspiration from the excitement which had just passed over Cape Haytien, and the minister hurried off a dispatch to me, (see inclosure A,) in which he relates the circumstance, and suggests that measures be taken to "avoid the repetition of an incident so regrettable." I promptly replied to him, (see inclosure B,) telling him that I joined in the regret expressed by Captain Carpenter and Consul Goutier, that the motive in the landing of the gun should have been so misunderstood, and assuring him that I would endeavor to have the necessary precautions taken to avoid a repetition of the "regrettable incident." I suppose that one cause of the feeling exhibited at the landing of the gun, was the fact that the authorities seem to rest under a constant fear of hostile movements against them by parties similar to the recent one of General Cinna Leconte, and having a real or fancied base of operation at Monte Christo, and other points in San Domingo. Perhaps, also, they thought it a good opportunity to test our disposition in a case in which they might fancy ground for complaint against us.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure A in No. 127.]

Mr. Ethéart to Mr. Bassett.

DEPARTMENT OF STATE OF FOREIGN AFFAIRS.

Port au Prince, April 27, 1872.

MR. MINISTER: The mail from the north, which arrived this morning, brought to the knowledge of my government a fact which took place at Cape Haytien, and to which I think it necessary to call your attention.

Friday, the 19th instant, at half past 11 o'clock in the forenoon, the authorities of Cape Haytien were informed that a long-boat, well manned, had just landed, at the Careenage, a howitzer mounted on a gun-carriage with wheels. The captain of the port of that city went to the said place and saw the men of the long-boat re-embark the howitzer, and proceed to the Nantasket, the American man-of-war at anchor in the harbor of Cape Haytien.

The commander of the department of the north hastened to give notice of what had just taken place to the consul of the United States at Cape Haytien. This latter official in response said that Commander Carpenter of the American steamer had no other object in landing the piece of artillery than to assure himself of the time that it would take to accomplish this movement; that the commander had no intention of failing in a proper regard toward the Haytian authorities, and that he would infinitely regret if the fact should give rise to any such interpretation.

Now, while accepting favorably these explanations, my government nevertheless feels

himself in duty bound to relate to you the circumstances of the landing of that howitzer, and the port of a city scarcely recovered from the emotion caused by the grave events which have just taken place there.

The landing of that howitzer might have given rise to some regrettable incidents, as the population of Cape Haytien, and the authorities of that city, were entirely ignorant as to who the parties were who were engaged in that operation; neither did they know in what intention it was performed.

My government, Mr. Minister, feels persuaded that, in your constant desire to strengthen our good relations, you will take all the necessary measures to avoid the repetition of an incident so regrettable.

It is in this expectation that I have the honor, Mr. Minister, to pray you to accept the renewed assurance of my very high consideration.

L. ETHÉART,

Secretary of State of Foreign Affairs..

[Inclosure B in No. 127.]

Mr. Bassett to Mr. Ethéart.

LEGATION OF THE UNITED STATES,

Port au Prince, April 29, 1872.

SIR: Your dispatch of the 27th instant has this moment reached me, and I hasten to acknowledge its receipt.

In that dispatch you state, on the information which your government had received from Cape Haytien, that on the morning of the 19th instant, at 11½ o'clock, a boat filled with men, and carrying a howitzer, was launched from the United States war-steamer Nantasket, then anchored in the bay of the Cape, and that the said boat, coming to the Careenage, landed the howitzer, but that the men, on the approach of the commander of the port, quickly re-embarked the gun and hurried back to the Nantasket. You favor me with the further statement that the occurrence became a subject of correspondence between the Haytian authorities and the United States consul at the Cape. In this correspondence the consul explained that the movement was simply a customary naval exercise; that our naval commander not only did not intend but he slightest disrespect to the authorities of Hayti, but that he expressed through the consul his very great regret that the circumstance should have been regarded in the least as unfriendly or disrespectful. You also inform me that your government has favorably received this explanation, and express the hope that I will take such measures as will prevent in the future a recurrence of a similar event. I thank you, Mr. Minister, for the information which you are pleased thus to convey to me.

I send herewith the dispatch (see inclosure A) which the United States consul addressed to General Nord Alexis. This dispatch gives an explanation of the affair substantially as you have stated it to me, and in it the consul expresses the regret of the naval commander at the occurrence.

I assure you, Mr. Minister, that I myself join in this expression of regret, and I will use my best endeavors to the end that a similar occurrence may not again arise.

I am, &c.,

EBENEZER D. BASSETT.

No. 216.

Mr. Bassett to Mr. Fish.

No. 129.]

LEGATION OF THE UNITED STATES,

Port au Prince, Hayti, May 16, 1872. (Received May 29.)

SIR: Referring to my dispatches, No. 119, of the 25th of March last, and No. 123 of the 8th ultimo, both relating to occurrences between the United States consular officer and the Haytian authorities at Saint Marc, in March, 1872, I have the honor to state that at an interview recently had with the minister of foreign affairs he expressed to me, as he said he had expressed to the President and his colleagues in cabinet meeting, his great regret at the delay which had occurred in bringing

the matter to a conclusion, charging this delay entirely upon the irregularity of the mails and the lack of ready inland communication. From the statements which he made to me with much apparent earnestness. I judge that he will in a very few days hand me his reply to my principal dispatch on the subject. In this view I have concluded to delay until next steamer, which is advertised to leave this port for New York in about two weeks, the sending forward of all my correspondence with the government here upon the subject, as I will then probably be able to forward it to you all under one cover and one comment.

I have, &c.,

EBENEZER D. BASSETT.

No. 217.

Mr. Fish to Mr. Bassett.

No. 105.]

DEPARTMENT OF STATE,
Washington, May 31, 1872.

SIR: I have to acknowledge the receipt of your dispatches numbered 125, 126, 127, 128, and 129. It appears from No. 127 that the landing of a howitzer from the United States war-steamer Nantasket at Cape Haytien, on the 19th ultimo, caused considerable excitement at that place, and was the occasion of the correspondence between the minister of foreign affairs and yourself, a copy of which accompanies that dispatch. Your note to the minister, joining in the regret expressed by Captain Carpenter and Consul Goutier that the motive in landing the howitzer should have been misunderstood, and promising to use your best endeavors to the end that a similar occurrence may not again arise, is approved.

I am, &c.,

HAMILTON FISH.

No. 218.

Mr. Bassett to Mr. Fish.

[Extracts.]

No. 131.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, June 10, 1872. (Received June 24.)

SIR: Referring to my dispatches, Nos. 119 of March 25, 123 of April 8, and 129 of May 16, 1872, I have the honor to state that the Haytian minister of foreign affairs, under date March 27, addressed me a lengthy answer to the dispatch, (see inclosure F to my No. 119,) in which I recorded the grievance that was felt at the proceedings taken by the Haytian authorities at Saint Marc, on the 20th of March, against our consular officer there, and formulated to him the reparations which I thought due to us from the Haytian government. In this answer (see accompanying inclosure No. 1) the minister displays a feeling not altogether conciliatory in the case, and gives a fair illustration of the Haytian faculty for special pleading. But anticipating the position he would assume, I had taken the precaution in my dispatch to convey to him the

idea that whatever construction he might put upon my statements, I should remain satisfied of their substantial correctness, and continue to feel that we had cause for complaint.

Under date March 30, I replied (see inclosure No. 2) to the minister's dispatch, by expressing some degree of surprise at his speculations upon a point in the case, upon which he had twice said to me that he had no information, and by inclosing the statements of Messrs Jastram, De Lande, and Lota, the consular officers of the United States, Great Britain, and France, respectively, (see inclosures B, D, and E to my 119.)

The minister, April 3, sent me an acknowledgment (see inclosure No. 3. of this dispatch, admitting still again that he had no knowledge of the assault on Mr. Jastram, and saying that as a question had been raised which it became him to investigate, he would prosecute the inquiry with all expedition, to the end that he might give me early cognizance of the result.

Having waited under this promise until a few days after the return of the President and the three ministers of state who had been with him on his tour in the north, I wrote the minister, on the 16th of April, a non-official and private letter, (see inclosure No. 4.) I intended this letter to be friendly and candid in tone, and to give him an expression of my desire to see the affair settled, but at the same time to intimate to him that there would be no receding from the position which this legation had already taken in the case.

On the 31st of May, ultimo, I wrote the minister a dispatch (see inclosure No. 8) which called to his mind his repeatedly expressed desire to investigate for himself the circumstances of the affair complained of at Saint Marc, and that although a courier can pass between Port au Prince and Saint Marc in one day, yet the sixty days that had passed since the date of my dispatch of the 25th of March had brought me no reply thereto. He is again assured that the assault on Mr. Jastram, under the circumstances detailed to him in my said dispatch, was conceived to constitute an international grievance, for which the Government of the United States would expect just reparation. And I gave him my impression that the terms of reparation named in the dispatch just alluded to would be acceptable to that Government, and say to him that unless a favorable answer to my demands be sent to me within a reasonable time, I shall feel obliged, in consideration of the sixty days' delay already incurred, to regard further unreasonable delay as evidence of an indisposition on his part to afford the reparation customary in such cases, and to make it the subject of unfavorable representation to the United States Government. * * * The minister came up to my residence in the mountains just after sunrise, on the morning of the 2d instant, the dispatch having been laid before him in translation on the 1st. He excused himself for this early visit, and invited me to call next day at his office "to talk over the Jastram affair, and bring it to a conclusion." When I called on him, according to his request, he expressed the warm desire of the President himself, and his colleagues, to arrange the affair at once, and to our satisfaction. He took up my dispatch of the 25th of March, and read *in limine* the terms of settlement there proposed, and asked me in what way he could record the compliance of his government with them. Of course I told him that I could not instruct him about that. "Well, then," said he, "I will draw up my dispatch, and come to you to-morrow morning *sans façon* to show it to you." Accordingly next morning he came to me with the draught of the dispatch in his own handwriting. I glanced over it, and told him I thought the

Government of the United States would appreciate the spirit of friendship in which he was placing upon record the expression of regret on the part of his government at the occurrences complained of, and would attach due regard to his disposition to accord us a just and satisfactory atonement for them. I added that I thought I could, therefore, venture to say to him that his dispatch, as he had written it, would, in my opinion, be acceptable to my Government.

Inclosure No. 9 is this dispatch, and you will remark in it a fair compliance with the terms of adjustment which are named in my dispatch to the Haytian Government, dated March 25. And besides it occurred to me that the *animus* which seemed to have been instilled into them, and with which they acted after it had been laid before them, might of itself almost be taken as an atonement in part for the grievance that we complained of.

I sent him, under date of the 7th instant, an acknowledgment (see inclosure No. 10) of his dispatch, repeating the substance of what I had said to him at our interview on the 4th instant, and suggesting that he cause special orders to be issued to the local authorities at Saint Marc, charging them to see to it that the consular officer of the United States be treated with all the respect due to his official character.

The next day the minister responded (see inclosure No. 11) to my last note, announcing the pleasure it had given his Government to gather from my dispatch that, in my opinion, the compliance which his Government had made with my demands would be acceptable to the Government of the United States, and declaring that the special orders which I had suggested for the authorities at Saint Marc had already been forwarded.

However much the transactions which took place on the 20th March last against our consular officer there are to be regretted, I think the firm stand which this legation, under your orders, has taken and maintained in this circumstance, has done something to convince this government that the Government of the United States does mean to assert its rights and maintain its dignity abroad as well as at home.

I have, &c.,

EBENEZER D. BASSETT.

[Inclosure 1.—Translation.]

Mr. Elhéart to Mr. Bassett.

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,

Port au Prince, Hayti, March 27, 1872.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 25th instant.

If the investigation, for which you have just been to Saint Marc, has revealed to you some facts of a nature to put in evidence the improper proceedings employed by the agents of my Government against Mr. Jastram, when General Batrville, *ainé*, was arrested, it is my duty to say to you that the circumstances which accompanied this arrest, and upon which I furnish you by this dispatch all the necessary information, supported by authentic documents, prove, without a doubt, that the Haytian authorities conducted themselves on that occasion conformably to all the usages and according to all the forms prescribed by the laws of nations.

Indeed, General Batrville was not taken from the United States consulate at Saint Marc. I had the honor to relate to you, at our first interview, the circumstances of his arrest, and it is easy to prove by the documents that I hold that it was at the house of Mr. Edmond Martelly, a Haytian citizen, who voluntarily opened his doors to the Haytian authorities, where the said general was arrested. The minutes of the justice of the peace at Saint Marc, of which I send you a copy under this cover, (inclosures A and B,) prove this fact superabundantly.

I regret, as you do, that, in the absence of the President of the republic from Saint

Marc, you did not have all the facilities of prosecuting a serious inquiry into the facts of this arrest, upon which, evidently, you would have been enlightened in a manner more satisfactory. But since you do not dwell thereupon, and waive this question, you will permit me, Mr. Minister, to do as you have done, in analyzing the principal point which forms the base of your reclamations.

You establish: 1st, that in consequence of the arrest of General Batrville some improper means were employed against your consul, Mr. Jastram, who received some violence on the part of persons in the service of my government; 2d, that the British vice-consul, the French vice-consul, and some other persons, eye-witnesses of these facts, agreed in saying that Mr. Jastram had been attacked, seized without any legal form by a band of armed men, under the command of a Haytian officer, who ordered them to conduct him to prison; 3d, that Mr. Jastram was dragged through the streets, in the midst of violent menaces and injurious epithets uttered against him and his colleagues, while his house was surrounded and threatened by this same band of armed men.

You do not in any manner doubt the veracity of these facts, Mr. Minister, which have been confirmed to you by the British and French vice-consuls, by eye-witnesses; facts, without doubt, you would have been able to better verify, if the authorities of Saint Marc had furnished to you the means of doing it. You have expressed to me your regret that this was not done, and I have not failed to partake this regret with you.

The information that I have upon these facts which accompanied the arrest of General Batrville are in all points in disaccord with yours. Permit me, Mr. Minister, to place them under your eyes in citing to you the names and the documents in support of my assertion.

I must inform you that when the Haytian authorities went to General Batrville, to arrest him, he had declared himself to be in open rebellion. This fact drew to his house a good number of persons, among others Mr. Jastram and the English vice-consul of Saint Marc.

Does it not seem to you, Mr. Minister, that that was not the place for persons who seemed to be invested with an official character? Should they not have avoided going to General Batrville's at the moment of his arrest? And when, some moments afterward, General Batrville rushed into Mr. Jastram's to seek shelter, ought not the Haytian authorities to have been a little moved at this proceeding?

Yet they remained calm, as it became them to be. The commander of the department, General Acoune Jean, addressed a first dispatch to Mr. Jastram (inclosure C) to invite him in the name of public order, gravely menaced in the country, to surrender to him the said Batrville. And immediately that he learned that Batrville had taken refuge in Mr. Martelly's, a Haytian citizen, was it not with all the forms of politeness used in similar circumstances (inclosure D) that he prayed Mr. Jastram to send to him the first dispatch?

Convinced, then, of the place where the said Batrville had taken refuge, the authorities took the necessary measures, and it was then that the justice of the peace at Saint Marc, upon the demand of the secretary of state for justice, who was previously informed by the commander of the place, ordered a search of the house of Mr. Martelly, (inclosures E and F.) I have already stated, Mr. Minister, what was the result. Is there anything therein, I ask, of improper proceedings, of violence, of an attack, of an illegal seizure, of an order to conduct Mr. Jastram to prison, or an argument to prove that he had been dragged through the streets, in the midst of violent threats and of injurious epithets? And the letter of General Saint Elia Canvin, (inclosure E,) addressed to the secretary of state of justice, does it not say that General Luc, wishing to enter into Mr. Jastram's to seize his escaped prisoner, was *violently* prohibited by this latter person?

But this is not all, Mr. Minister. Mr. Jastram, who complains so bitterly to-day that the Haytian authorities did not have any regard, any proper respect, for him; that the said authorities had caused him to be dragged through the streets to be incarcerated in prison, in exposing him to the insults of the populace—Mr. Jastram did not say a single word of all this in his protest sent to the commander of the arrondissement of Saint Marc. He only protested against the insult which was made to the American flag in taking by armed force General Batrville, who had voluntarily taken refuge under the protection of the said flag, (inclosure G.)

This method of procedure must appear strange to you as it does to me, and you know the human heart too well—the just susceptibilities of a foreign agent—to suppose that Mr. Jastram would have hesitated a single instant to complain with energy in the exasperation that conduct so reproachable, on the part of the authorities which owe to him a certain regard and consideration, would have dictated to him.

And yet, I repeat it, Mr. Jastram is silent in his protest upon all the deeds now laid to the charge of the Haytian authorities.

No, Mr. Minister; you have said yourself that there is not any instance where any officer of the republic of Hayti has ever conducted himself in such a reprehensible

manner toward a foreign agent, and I do not see any motive that one of a friendly power, of a great republic, our elder sister, which gives to us each day incontestable proofs of sympathy, should not be surrounded with every regard and every consideration.

You will doubtlessly acknowledge, by the sincere recital that I make to you, by the perusal of the documents that I submit to you, that some evil-disposed persons have taken pleasure in distorting the facts which it has been my duty to expose to you in detail, in order to place you in a position to take a fair and impartial view of the same.

You are too much the friend of truth not to recognize the fact that it is on the side of my government.

Be pleased, Mr. Minister, I pray, to accept the renewed assurance of my very high consideration.

L. ETHEART.

Secretary of State of Foreign Affairs.

[Inclosure A.—Translation.]

LIBERTY—EQUALITY—FRATERNITY.

REPUBLIC OF HAYTI.

On the twentieth day of March, one thousand eight hundred and seventy-two, we, Decime Target, associate justice of the peace of the police-court in this city, assisted by our clerk, on the demand of the general commanding the arrondissement of Saint Marc, went to the bureau of this locality, where we found the citizen Edmond Martelly, merchant of this place, who had been called to give information about the refuge of an accused person under arrest who had escaped and entered the house occupied by the firm, G. Jastram & Co. In consequence the said citizen, Edmond Martelly, upon our invitation, consented voluntarily to accord to us admission to the apartment occupied by him, for the purpose of making a domiciliary visit, which might enable us to discover the accused party who had escaped.

In testimony whereof we have drawn up the present act, which, having been read, we have signed the same with the citizen Martelly, the month, day, and year above written.

ED. MARTELLY.
DECIME TARGET.
B. LEWIS.

[Inclosure B.—Translation.]

On the twentieth day of March, one thousand eight hundred and seventy-two, we, Decime Target, associate justice of the peace of the police-court of Saint Marc, assisted by our clerk, in pursuance of the authorization given to us by the citizen Edmond Martelly to enter in his house, to take the accused Batrville, aîné, who had taken refuge there, which authorization is contained in the annexed act, drawn up on even date. Accompanied by Mr. Martelly we have entered by the corridor in the yard, where a door at the entrance was opened by the said Edmond Martelly, which door is situated at the foot of a staircase. In entering there we found the said Batrville, aîné, crouching under the said staircase, when we proceeded immediately to his arrest, in presence of the said citizen Edmond Martelly.

In testimony whereof we have drawn up the present act, and after reading of the same we have signed it, the day, year, and month above written.

EDMOND MARTELLY.
DECIME TARGET.
B. LOUIS.

[Inclosure C.—Translation.]

Mr. Jean to Mr. Jastram.

Liberty—equality.

REPUBLIC OF HAYTI.

No. 39.]

SAINT MARC, March 20, 1872, 69th year of Independence.

ACOUNE JEAN, Major-General commanding the department of the Artibonite.

SIR: General Batrville, ainé, arrested for political disorder, has just escaped from the hands of the authorities, and has taken refuge in the American consulate, where he is at the present moment.

In the name of public order, gravely menaced in the country, we invite you, Mr. Consul, to surrender this citizen.

Knowing the interest that you have, as well as we, to see the tranquillity of Hayti, we have the firm conviction that you will accede to our demand.

In this hope I renew to you the assurance of my high consideration.

ACOUNE JEAN.

[Inclosure D.—Translation.]

Mr. Jean to Mr. Jastram.

No. 40.]

SAINT MARC, March 20, 1872, 69th year of Independence.

ACOUNE JEAN, Major-General commanding the department of the Artibonite.

SIR: In writing to you my preceding dispatch, to invite you to deliver General Batrville, ainé, to the authorities, I thought that he was under the protection of the American consulate. But knowing now that this general is at citizen Martelly's, who is a Haytian, I pray you to be so kind as to return me my letter, in order that I may take other steps.

I salute you very cordially,

ACOUNE JEAN.

[Inclosure E.—Translation.]

Mr. Cauvin to Mr. Rameau.

Liberty—equality—fraternity.

REPUBLIC OF HAYTI.

No. 45.]

SAINT MARC, March 20, 1872, 69th year of Independence.

SAINT ELIA CAUVIN, Major-General of the Armies of the Republic, aid-de-camp of the President of Hayti, commander ad interim of the commune of Saint Marc.

SIR: I hasten to bring to your knowledge that, according to an order which I received from the commission of inquiry, transmitted through the commander of the arrondissement, for the arrest of a person named Batrville, ainé, I sent the general officer, Luc Jean Michaud, with a guard, for the arrest of the aforesaid person. An instant after, the said superior officer came to announce to me that while he was conducting the aforesaid person under arrest to the bureau of the arrondissement, he, (Batrville,) in passing before the store of Messieurs. Jastram & Co., in feigning to hand a paper to Mr. Jastram, who was standing before his door, leaning against one of the posts, rushed into the interior of the store.

General Luc also wishing to enter immediately behind him to re-take him, this general was violently prevented from doing so by the said Jastram, and Mr. De Lande, who was present there.

I make this report, Secretary of State, in order that you may take such steps as may be necessary under such circumstances.

I pray you to accept, Mr. Secretary of State, my distinguished salutations.

ST. ELIA CAUVIN.

[Inclosure F.—Translation.]

*Mr. Rameau to Mr. Target.*SAINT MARC, *March 20, 1872.*

SIR: The commander of this locality has just announced to me by his letter, No. 45, of this date, that in conducting to prison a person named Batrville, aîné, under accusation for political offenses, the said Batrville, while passing the store of Messrs. G. Jastram & Co., rushed therein.

I invite you to proceed immediately to the premises to demand the opening of the house by those who dwell therein, and to cause the accused, who has taken refuge there, to be seized. If this demand is refused you will then fulfill all the formalities required under such circumstances, and will act in such a manner as to have force remain on the side of law.

I salute you very cordially,

O. RAMEAU.

[Inclosure G.—Translation.]

*Mr. Jastram to Mr. Luvieux.*UNITED STATES COMMERCIAL AGENCY,
Saint Marc, March 20, 1872.

I, the undersigned, vice-commercial agent of the United States, residing at Saint Marc, declare that I protest in the most energetic manner, in the name of the American flag, against the insult that has been offered to me in taking by armed force General Batrville, aîné, who voluntarily placed himself under the protection of the said flag.

After this insult I hold myself subject to the orders of the United States minister resident at Port au Prince.

G. JASTRAM.

[Inclosure 2 in No. 131.]

*Mr. Bassett to Mr. Ethéart.*LEGATION OF THE UNITED STATES,
Port au Prince, March 30, 1872.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 27th instant, relating to the occurrences which took place at Saint Marc on the 20th instant between the Haytian authorities and the United States consular officer at that point. It was not, however, altogether without a shadow of surprise that I read those portions of that dispatch which relate to the assault on Mr. Jastram. For, at the first conversation which I had with you on the subject, I understood you to say, clearly and unqualifiedly, that you had no information further than what I said to you at all bearing upon this assault; and at our last interview on the 25th instant, both Captain Carpenter and myself understood you not only to re-affirm this statement, but to add with equal frankness that in view of the fact that you had no information on this point, you felt that it would be necessary for you, before responding to my propositions, to obtain from Saint Marc for yourself evidence of the facts which were alleged in this regard. I infer from the terms of your dispatch that perhaps you have not yet made the proposed investigations.

The other portions of your dispatch refer to the occurrences other than the assault upon and arrest of Mr. Jastram. These, as I stated to you in my dispatch of the 25th instant, I propose neither to discuss nor to refer to at present. It is not unknown to you that I went to Saint Marc myself, and there made careful personal investigation into all the circumstances and all the proceedings in this affair. I was assisted in this work by the United States naval commander, who accompanied me. As a result of this investigation, I submit to you herewith inclosed three statements, one made by Mr. Jastram, (marked A,) one made by Mr. De Lande, Her Britannic Majesty's vice-consul, (marked B,) and one made by Mr. Lota, French vice-consul, (marked C.) In addition to what is said in these three papers, I may state the fact of the assault upon and arrest of Mr. Jastram seemed to me to be, at Saint Marc, a subject of common speech and notoriety. I have, therefore, Mr. Minister, only to re-affirm to you the terms of my dispatch addressed to you on this subject on the 25th instant.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 3 in No. 131.—Translation.]

*Mr. Ethéart to Mr. Bassett.*DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port au Prince, April 3, 1872.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 30th of March, which came to hand the afternoon of Monday, April 1, instant.

I am still ready to confirm what I said to you in our two interviews, that I have no details in reference to the vexations that Mr. Jastram claims to have been subjected to by the Haytian authorities at Saint Marc. That it was only through you that I learned the fact, since all the dispatches concerning that affair which I have received, both from the President of the republic and from my colleague, the secretary of state of justice, as well as all the documents, of which I have sent you certified copies, say not one word about it.

The inclosures A, B, C, found under cover of your aforesaid dispatch, have claimed all my attention, as you have well imagined, and I have hastened to cause copies of them to be prepared to be expedited to Saint Marc, in order that the authorities of that locality may enlighten me on the subject.

It is now a question to enter into a cross-examination, since, as you know, all the information that has reached me does not say a single word about the arrest of, and attack upon, Mr. Jastram. In order that the quickest possible dispatch may be given to this procedure, I write directly to the President of Hayti, who will give special orders to this effect.

I will, therefore, have the honor very soon to communicate with you again in reference to the facts charged against the authorities of Saint Marc.

I pray you to accept, Mr. Minister, the renewed assurance of my very high consideration.

L. ETHÉART.

[Inclosure 4 in No. 131.]

Mr. Bassett to Mr. Ethéart.

[Non-official.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 16, 1872.

SIR: I send this private and unofficial note to say to you that, from the tenor of your dispatch of the 3d instant, I have been in daily expectation of a further communication from you in relation to the affair of Mr. Jastram. The President and your colleagues have been here now for several days, and I suppose you have had every opportunity to familiarize yourself with all the facts complained of in my dispatches of the 25th and 30th ultimo.

If you have investigated those facts, as I suppose you have done, you have, no doubt, found that my statement of them is substantially correct, and that therefore certain unlawful and unjustifiable proceedings were taken by Haytian authority against a consular officer of the United States at Saint Marc. You certainly cannot expect that either the Government of the United States or any other power represented here will stand idly by and allow such proceedings to pass unnoticed. The reparations which I ask of your government are of such a character that it is easy for you to comply with them. It is my sincere desire to avoid all misunderstandings and unpleasant feelings with your government. As a man of the same race as yourself, I have desired and I do still desire to see the Haytian government in success and prosperity. It would be very painful for me to see anything but pleasant relations between us. But while I entertain these sentiments, I do not forget that I must insist upon what comports well with the dignity, honor, and power of the great Government which I represent here. And I submit to you now, in all candor, whether it is not better to make a settlement of the Jastram affair at once on the terms named by me in my dispatch of March 25, 1872, rather than to allow it to become a subject of unpleasant controversy between my Government and yours.

I have done my part in the issue in proposing such easy terms of settlement; it remains for you to do yours.

Expecting to hear from you at once on the subject, I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 5 in No. 131.—Translation.]

Mr. Ethéart to Mr. Bassett.

[Non-official.]

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port au Prince, April 17, 1872.

SIR: I have the honor to acknowledge the receipt of your private and non-official dispatch of yesterday's date, the contents of which I have noted with care.

If, up to the present moment, I have not made known to you the result of the inquiry instituted at Saint Marc, in reference to the charges alleged against the authorities of that city growing out of the affair of Mr. Jastram, it is because the dispatch that I addressed to the President of the republic on the subject crossed him in going to its destination as he was returning to the capital; and it is only since his arrival here that orders have been given for the prosecution of this inquiry, by sending to Saint Marc the documents relating thereto. I therefore pray you to await yet a few days longer, to obtain a definite solution of this affair.

Your sentiments, my dear Mr. Bassett, toward the Haytian people and my government, as well as the sentiments of the great republic which you represent so honorably, for a young nation which has need of being sustained and encouraged, are known to me; and I can assure you that all my efforts will tend to maintain and to consolidate the good harmony which exists between the United States and Hayti.

I pray you, my dear Mr. Bassett, to accept the sincere expression of my fraternal sentiments.

L. ETHEART.

[Inclosure 6 in No. 131.]

*Mr. Bassett to Mr. Ethéart.*LEGATION OF THE UNITED STATES,
Port au Prince, May 2, 1872.

SIR: In your dispatch of the 3d ultimo you state your intention to cause all celerity to be given to your investigation of the Jastram affair, in order that it might be terminated. Again, in your unofficial note of the 17th ultimo, you inform me that the dispatch which you had addressed to His Excellency the President had missed him while he was in the north, and you ask me therefore to await a few days longer in order that the result of the affair might be reached.

You will observe that a month has now passed since the date of your dispatch, and that two weeks have elapsed since I last heard from you on the subject. It occurs to me that you have, therefore, probably had the time which you deemed necessary for making your investigation. And I presume that you have found, from your investigation, that my statement of the facts, as to the assault on Mr. Jastram, is substantially correct.

I therefore have now the pleasure to await your answer to my dispatch of the 25th of March.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 7 in No. 131.—Translation.]

*Mr. Ethéart to Mr. Bassett.*DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port au Prince, May 3, 1872.

SIR: I have the honor to acknowledge the receipt of your dispatch of yesterday's date, relating to the Jastram affair, the contents of which dispatch I hastened to communicate to the council of secretaries of state.

My colleague of the department of interior, who is charged to order a new inquiry into this affair, will not fail to obtain the result of this investigation, which he expects to receive on the arrival of the post from the north, due here at this moment; in which case I will have the honor to respond in a definite manner to your aforesaid dispatch.

Be pleased, Mr. Minister, to accept the renewed assurance of my high consideration.

L. ETHEART.

[Inclosure 8 in No. 131.]

*Mr. Bassett to Mr. Ethéart.*LEGATION OF THE UNITED STATES,
Port au Prince, May 31, 1872.

SIR : I have the honor to ask your attention again to the dispatches which I addressed to you on the 25th and 30th of March last, relative to the affair of Mr. Jastram at Saint Marc. In those dispatches the details of the assault on Mr. Jastram, and of the violation of his consular office, are given. In your dispatches on the subject to me you have expressed the desire to investigate for yourself the substance of these details at Saint Marc. But it is now two months since those dispatches were sent to you. Saint Marc is within easy communication of Port au Prince. A courier can pass between the two cities in a single day. And yet the sixty days that have passed since my dispatches reached you have brought me no answer to the demands made upon your government in these dispatches.

I have now the honor to make it known to you that the Government of the United States feels, as I have already intimated to you, that an international grievance has been committed in the assault on Mr. Jastram, and in the violation of his consular office at Saint Marc, on the 20th of March last, by persons in the service of your government, and my Government will insist upon due reparation for the offense. The terms of reparation stated in the dispatch which I addressed to you on the 25th of March last will, I think, be acceptable to the Government of the United States.

I beg you also to observe that unless I receive a favorable answer to that dispatch within a reasonable time from this date—more than sixty days having already passed since it was placed in your hands—I shall feel constrained to take such delay as evidence of an indisposition on the part of your government to make the reparation which I have asked and which is customary in such cases, and I shall also feel it my duty to make it the subject of unfavorable representation to the Government of the United States.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 9 in No. 131.—Translation.]

*Mr. Ethéart to Mr. Bassett.*DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port au Prince, June 5, 1872.

SIR : I have the honor to acknowledge the receipt of your dispatch of May 31, ultimo, in which you call my attention to the one which you addressed to me on the 25th of March, relative to the affair of Mr. Jastram at Saint Marc.

The verbal communications which I have made to you have informed you of the difficulties which have prevented the inquiry that was to have been made; and at each time that the occasion has offered itself I have not failed to express to you how much my government had it at heart to give every satisfaction to yours in a question which interests to such a high degree the honor and the dignity of the great republic which you represent.

The inquiry above referred to not having yet attained its end, after a delay of two months in spite of all the efforts that I have made to bring it to a satisfactory result, I can now form a conception of the solicitude manifested in your dispatch of the 31st ultimo, and I acknowledge that it is but equitable to subscribe to the just reparations formulated in your dispatch of the 25th of March. I offer this, then, Mr. Minister, as a new proof of the desire of my government to preserve the good harmony which exists between our two countries, a harmony, we must render you the justice to say, you contribute to maintain by all the means in your power.

In consequence, my government makes it a duty to declare to yours that it regrets very much that Mr. Jastram has had cause to complain of the conduct of the authorities of Saint Marc, on the occasion of the arrest of General Batraville. My government would not fail to respond to the wish that you express, to have censured, or punished, the superior officer of whom Mr. Jastram complains, if this general, who, I think, did not commit with premeditation this wrong on the American agent, had not since that time paid, in his own person, the last tribute to nature.

The United States legation in Hayti, with whose high functions you are invested, Mr. Minister, will recognize in this sincere expression of regret how much my government has at heart to surround with respect and consideration the representatives of foreign powers; and it hastens to seize this circumstance to give you the assurance

that in future every measure shall be taken to command for the American agents the respect that is due to them, and to prevent all further inquietude on their part in regard to proceedings outside of the exact forms prescribed by the law. The exequaturs given by my government to these agents command the local authorities to observe toward them such a course of action. I hope, Mr. Minister, that you will appreciate this declaration, the loyalty of which is of a nature to dissipate all misunderstanding, every cloud of doubt, which might tend to obscure the good relations subsisting between the great republic that you represent and my country. I will not terminate this dispatch without consigning therein the assurance with which, his very particular regret, the President of the republic charges me to express to you.

"The affair would have been explained, and every satisfaction would have been given to the American minister," said the chief of state, "if I had been at Saint Marc when he went there about two months since."

I pray you to accept, Mr. Minister, the assurance of my very high consideration.

L. ETHÉART.

[Inclosure 10 in No. 131.]

Mr. Bassett to Mr. Ethéart.

LEGATION OF THE UNITED STATES,

Port au Prince, June 7, 1872.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 5th instant, relative to the affair of Mr. Jastram at Saint Marc. I take pleasure in stating to you that the friendly spirit in which you have recorded the regret of your government at the signal indignity offered to Mr. Jastram, at Saint Marc, on the 20th of March last, the disposition to accede to my request that the persons in the service of your government who took part in the proceedings against Mr. Jastram should be made sensible of its displeasure, and the guarantee that in future no inquietude shall be given to consular officers of the United States in Hayti, outside of the exact forms required by law, will, I think, be acceptable to my Government.

As I have ordered Mr. Jastram to return at once to his post of duty, I would suggest that, if you have not already done so, you cause special orders to be issued to the authorities at Saint Marc, instructing them to see that he is treated with all the respect due to his official position. I make this suggestion because I have learned that there is some unfriendly feeling toward him at Saint Marc in consequence of the occurrences which took place there in reference to him on the 20th of March last.

I have, &c.,

EBENEZER D. BASSETT.

[Inclosure 11 in No. 131.—Translation.]

Mr. Ethéart to Mr. Bassett.

DEPARTMENT OF STATE OF FOREIGN AFFAIRS,

Port au Prince, June 8, 1872.

SIR: I had the honor to receive your dispatch of the 7th instant, acknowledging the receipt of the one which I addressed to you on the 5th.

The satisfactory thought in which you leave my government, in announcing to it that your Government will accept the expression of regret that I conveyed to you in reference to the Jastram affair, imposes upon me the duty of informing you that orders have been transmitted to the authorities of Saint Marc, to the end that the American consular agent shall be treated with all the respect due to his official position.

Be pleased to accept, Mr. Minister, the renewed assurance of my high consideration.

L. ETHÉART.

No. 219.

Mr. Hale to Mr. Bassett.

No. 106.]

DEPARTMENT OF STATE,

Washington, June 26, 1872.

SIR: Your dispatch No. 131, of the 10th instant, relative to the Jastram affair, has been received. The Department congratulates you that

the energy and perseverance with which you have followed up that difficult case has at last been crowned with success, and that it has been adjusted upon a basis compatible with the honor of both Governments.

I have, &c.,

CHARLES HALE,
Acting Secretary.

No. 220.

Mr. Bassett to Mr. Fish.

No. 139.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 27, 1872. (Received August 8.)

SIR: I have the honor to invite your attention to the inclosed correspondence which has recently passed between this legation and the Haytien minister of foreign-affairs, in reference to the conduct of a body of government police toward a citizen of the United States, a Mr. Eldredge, in this city, on the evening of the 11th July instant.

Inclosure A is my dispatch to the minister, which is accompanied by the sworn statement of Mr. Eldredge. This inclosure conveys to the minister a recital of the occurrences of which Mr. Eldredge had complained; and in it the minister is asked for such explanation of the unpleasant proceedings as he might be pleased to give. I also remind him that whenever persons in the service of his government indulge in wanton violence and unlawful conduct toward quiet, orderly citizens of the United States, it was to be expected that these persons would be called to a strict accountability. Inclosure B is the minister's reply, from which it appears that he gave my dispatch a prompt and earnest attention. He says that he summoned before him the chiefs of the guard of whose conduct Mr. Eldredge had complained; and that although they all denied the charges made against them in my dispatch, he nevertheless had caused the commander of the guard to be placed under severe punishment for the treatment to which he allowed his men to subject Mr. Eldredge.

It can scarcely have escaped full and general knowledge that in a country like Hayti, where the government rests under constant apprehension of intrigue and insurrection against its stability and authority, and where offenses of a political character are numerous, and regarded as the gravest of transgressions in the state, arbitrary arrests and unwarranted infringements upon personal freedom and security should sometimes occur. Such arrests and infringements are, in fact, not altogether infrequent here. Nor is it perhaps quite unnatural that in Hayti, and in countries similarly constituted, there should be occasionally found to exist a sentiment somewhat unfavorable to foreigners domiciled there.

But whenever from any cause whatsoever unlawful proceedings are taken to the detriment of the rights, privileges, or immunities of citizens of the United States here, this legation uniformly and promptly interposes in their behalf. My unofficial good offices in this regard have, as a rule, sufficed. But it has sometimes been found necessary to resort, as in this case of Mr. Eldredge, to the sterner method of addressing this government in my official quality; and then it appears to be my duty to report to the Department the action which has been taken.

I have, &c.,

EBENEZER D. BASSETT.

[Inclosure A.]

*Mr. Bassett to Mr. Ethéart.*LEGATION OF THE UNITED STATES,
Port au Prince, July 12, 1872.

SIR: I have the honor to inform you that Mr. Clement Eldredge, an American citizen, and master of the American schooner Lucy Holmes, which is now lying at the custom-house wharf, was assaulted, placed under arrest, and brutally treated by a government guard of about fifteen men, as he was passing quietly last evening from the residence of Mr. Oliver Cutts to his ship. This guard leveled their muskets at Mr. Eldredge, and marched him in a rude and violent manner through the streets of the city for the space of more than an hour. He was only released when he promised to pay the officer in command. Mr. Eldredge is a quiet, peaceable man, and offered no resistance to them whatever. He is incapable of violating knowingly any law or regulation of the country. He does not understand the language of the country, and does not yet know why he was arrested and subjected to such brutal treatment.

I send you herewith inclosed the sworn statement which he made before me. I call your attention to it, and would thank you for such explanation of the conduct of the officer in charge of the guard referred to as you may be pleased to give me.

I regret very much that such cases should occur, and I cannot understand why they are allowed to occur. If American citizens in Hayti violate any law of the country, I am perfectly willing that they should be dealt with according to law. But I am sure that you will regret as much as I do that officers and soldiers in the service of your government should indulge in useless and wanton violence against quiet, peaceable Americans, like Mr. Eldredge. Officers in the service of your government who indulge in such proceedings, and who are open to bribery, ought certainly to be called to a proper account for their conduct.

I have, &c.,

EBENEZER D. BASSETT.

[Inclosure with A.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 12, 1872.

Before me, the undersigned, minister resident and consul-general of the United States of America, near the government of Hayti, personally appeared Clement Eldredge, master of the American schooner Lucy Holmes, now lying in this port, who, after being duly sworn according to law, states:

"That last evening, the 11th July instant, between the hours of 10 and 11 o'clock, while he was peaceably walking from the residence of Mr. Oliver Cutts, to go on board of his vessel lying at the custom-house wharf, he was hailed and stopped by a number of armed men, who leveled their rifles at him; that several of these armed men approached and arrested him; that they compelled him to parade the streets of the city with them for the space of an hour and a half; that as he was passing the house of Mr. Oliver Cutts, with the view of having him explain to the aforesaid armed men that he, the aforesaid appearer, was returning to his aforementioned vessel, but that before the said Oliver Cutts could enter into any explanation, the armed guard rudely hurried the appearer away; that the appearer further deposes and says, that during the time aforesaid which he was forcibly made to parade the streets, the aforesaid armed men greatly abused and assaulted his person, dragging and pushing him into mud-gutters, and applying bayonets or some other military weapons to his person for the purpose of forcing the appearer forward; that finally, when nearly exhausted by fatigue and saturated with mud and water, the appearer was released at a great distance from the sea-border and allowed to return to his vessel, upon his promising the officer in command of the aforesaid armed men, compensation in the morning."

In testimony whereof the aforesaid Clement Eldredge hath hereunto affixed his signature, and I, the undersigned minister resident and consul-general of the United States, have hereunto affixed my seal and signature the day and year above written.

[L. s.]

CLEMENT ELDRIDGE,
EBENEZER D. BASSETT,
Minister Resident and Consul-General.

[Inclosure B.—Translation.]

*Mr. Ethéart to Mr. Bassett.*DEPARTMENT OF STATE OF FOREIGN AFFAIRS,
Port au Prince, July 16, 1872.

SIR: I have received the dispatch that you have done me the honor to address me the 12th July instant, by which you bring to my knowledge the fact that a citizen of the United States, Mr. Clement Eldredge, captain of the American schooner Lucy Holmes, now anchored in our harbor, was arrested with violence by a patrol, immediately after he had left the house of Mr. Oliver Cutts, on the 11th instant, at a somewhat advanced hour of the night. You add that Mr. Eldredge was only released after having made a promise to the officer commanding the patrol to give him money the next morning.

I read attentively the document which you were pleased to send me, and which contains the declaration made by Captain Eldredge, at the legation of the United States, in regard to the circumstances of his arrest.

As no report had been made to the authorities about this arrest, I hastened immediately after the receipt of your aforesaid dispatch to gather all information of a nature calculated to enlighten me upon this affair, and to this end I caused the officer and the principal men of that patrol to be summoned to my office to be heard on this charge.

They denied completely that they had caused Mr. Eldredge to undergo any ill-usage at their hands. However, the government, wishing that all the citizens of the United States coming within the territory of the republic should be covered with all the safeguards prescribed by the law, with the view of maintaining the good relations which unite this country to the great republic which you represent, has placed under severe punishment the chief of the patrol that was engaged in the arrestation of the captain of the schooner Lucy Holmes.

I seize this occasion, Mr. Minister, to renew to you the assurance of my very high consideration.

L. ETHÉART.

No. 221.

*Mr. Bassett to Mr. Fish.*No. 141.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 27, 1872. (Received August 8.)

SIR: I have the honor to invite your attention to the accompanying inclosure, from which you will see that Mr. Charles F. Teel, an American citizen, and consular agent of the United States at Miragoâne, has suffered indignity and imprisonment at the hands of the military authorities at that place, under the charge of knowingly having in his possession and circulating false money, a charge which I cannot, from all the evidence which has come to my knowledge in the case, for one moment entertain. This inclosure, which is my dispatch to the Haytian minister, will perhaps sufficiently explain the circumstances connected with the affair up to this date. In this dispatch I express to the minister my conviction that the proceedings in regard to Mr. Teel were illegal and unjustifiable, and that perhaps they were prompted by malicious motives. Under this conviction, and with the knowledge also that some consideration is, according to the customs of this country and according to public law, due to a consular officer of the United States here, I ask of the minister Mr. Teel's immediate release from prison.

Immediately after receiving information of Mr. Teel's arrest, and before writing to the minister, I called on him and explained the facts as they had come to me, and told him that I should, under the circumstances, be obliged to demand that Mr. Teel be at once set at liberty. The minister received my statements with his accustomed courtesy, and

said he would give them prompt attention. But I have not yet received his answer to my dispatch, which was handed to him on the evening of the 25th instant.

I regret that I am not within sufficiently easy reach of the Department to avail myself of its early instructions in this case. But in the absence of those special instructions, I shall feel it my duty to anticipate them so far as to follow up the position taken in my dispatch to the minister, and I hope to be able at an early date to communicate to the Department a favorable result of these efforts.

I have, &c.,

EBENEZER D. BASSETT.

[Inclosure A.]

Mr. Bassett to Mr. Ethéart.

LEGATION OF THE UNITED STATES,
Port au Prince, July 25, 1872.

SIR: It becomes my unpleasant duty to call your attention to certain unlawful and unjustifiable proceedings which were taken by the military authorities of your government at Miragoâne, on the 22d instant, against Mr. Charles F. Teel, the United States consular officer at that point.

The store and consular office of Mr. Teel, at the time and place named, were forcibly entered by a band of armed men under command of the general of the place. They ransacked his store and his house from top to bottom, rudely overturning all the personal effects of himself and his family, searching and seizing moneys in his store, and uttering, meanwhile, imprecations against him and all other foreigners. And then Mr. Teel himself was rudely seized, placed under arrest, and in spite of his protestations hurried off to prison to Anse-à-Veau, twenty-four miles distant from Miragoâne.

These proceedings were taken by the said military authorities in an apparently malicious way, without due process of law, without even fulfilling the formalities required by Haytian law, and with their full knowledge of Mr. Teel's official character.

The pretense for these violent and unlawful proceedings may be briefly stated. Mr. Teel, in the ordinary course of business, had received, as every other man engaged in business here does, certain moneys in Haytian currency. This money was sent to Messieurs Emile Sievers & Co., of this city, who declined to receive it, and when it was returned to Mr. Teel, the general of the place, pretending to think it unlawful money, came to seize it. Some three or four young persons were put to the work of examining it, and without, however, any adequate examination of it, pronounced twenty-five thousand false money. Mr. Teel thereupon stated that he could show that all moneys in his possession had been received in the usual course of legitimate trade, and offered to exhibit to the said general of the place his cash-book, from which could easily be ascertained the names of all persons from whom he had received money, since he began business at Miragoâne. But all representations and protestations were unavailing with this general of the place, who was and still is a debtor of Mr. Teel.

Mr. Minister, I regret all these proceedings more than you possibly can regret them. And I must energetically ask of your government Mr. Teel's immediate release from prison. I make this urgent request, first, because all the proceedings in searching his house, arresting him and dragging him to a prison twenty-four miles from his home, were illegal, unjustifiable, and therefore null and void; and, secondly, because Mr. Teel's official character as a consular officer of the United States—not to mention his personal quality as a citizen thereof—which clothes him with certain privileges and immunities guaranteed by the law of nations and by treaty stipulations between my Government and yours, has been strangely disregarded and violated in the proceedings herein narrated.

It is my impression that neither in England nor in France nor in Germany would a consular officer of the United States, nor would a foreign consular officer in the United States, even when charged with crime, be subjected to the proceedings ordinarily taken against persons charged with criminal offenses. But here, Mr. Teel, so far from being treated with the care and consideration due to his official character, has been subjected to all this violence and outrage without even a compliance with the formalities required by your own laws for the arrest of the commonest criminals.

I therefore reiterate my urgent request for Mr. Teel's immediate release from prison; and if in future he or any other consular officer of the United States in Hayti is charged

with any criminal offense, immediate knowledge of that fact, and of the evidence against him, should be submitted to this legation.

I respectfully ask that you will give attention to this subject at once.

I am, &c.,

EBENEZER D. BASSETT.

No. 222.

Mr. Hunter to Mr. Bassett.

[Extract.]

No. 112.]

DEPARTMENT OF STATE,
Washington, August 9, 1872.

SIR: Your dispatches numbered 138, 139, 140, and 141 have been received.

Your action in regard to the ill-usage of Mr. Eldredge, which forms the subject of your dispatch No. 139, is approved.

* * * * *

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 223.

Mr. Bassett to Mr. Fish.

No. 146.]

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 10, 1872. (Received August 27)

SIR: Referring to my dispatch No. 141, of the 27th ultimo, in which the arrest and imprisonment of Mr. Charles F. Teel, our consular agent at Miragoâne, were stated, I have the honor to inform you that, although several communications have passed between the Haytian minister and myself, and I have had with him several interviews in relation to the subject, and although the charges and pretended suspicions against Mr. Teel are one by one vanishing, yet he is still in prison at Anse-à-Veau. The minister has, however, promised me that he will cause the case to be pushed forward and closed with all possible expedition.

As there now appears to be some reasonable prospect of the speedy release of Mr. Teel, it is perhaps best that I should defer forwarding the correspondence and the notes of interviews with the minister in relation to the case up to this date, in order that I may be able soon, I hope, to inclose them all under one cover and one comment.

I have, &c.,

EBENEZER D. BASSETT.

No. 224.

Mr. Fish to Mr. Bassett.

No. 115.]

DEPARTMENT OF STATE,
Washington, September 2, 1872.

SIR: I have to acknowledge the receipt of your dispatches numbered

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143 and 146, with reference to the case of Mr. Charles F. Teel, to which the latter relates. I have to inform you that the Department will await a further report from you.

I am, &c.,

HAMILTON FISH.

No. 225.

Mr. Bassett to Mr. Fish.

No. 149.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, September 23, 1872. (Received October 4.)

SIR: Referring to my dispatches No. 141, of July 27, and No. 146, of the 10th ultimo, both treating of the case of Mr. Charles F. Teel, United States consular agent at Miragoâne, I have the honor to represent that after I had exchanged dispatches with the Haytian minister of foreign affairs, and after I had held several informal conversations with him and his colleagues, on the subject, Mr. Teel was released from custody on the 8th ultimo, after an imprisonment of eighteen days. In my No. 141 I sent inclosed to the Department a copy of my dispatch to the Haytian minister, recounting the circumstances of Mr. Teel's arrest, and asking, for reasons therein given, that he be immediately and unconditionally released.

Before writing that dispatch I had explained to the minister, verbally, all the facts alleged in the case, and at his intimation and instance I sent him a copy of my dispatch in the French language, with the view of facilitating his early action in regard to the subject. He promptly replied to this dispatch on the 27th of July, in a communication (see inclosure A) in which he inclosed the reports of the preliminary proceedings in Mr. Teel's case, and argued that there had been no indignity offered to Mr. Teel, no injustice done to him, and no illegal action taken against him. He also stated that, as the question was then in the hands of the judiciary, it did not belong to the executive to order Mr. Teel's release before his case should be tried and decided by the courts, and seemed to rely upon the fact that Mr. Teel was engaged in business for a justification of his presumption that the latter's official character need not enter into the subject. It had appeared to me manifestly improper, particularly in a country like Hayti, to admit the principle that a consular officer of the United States can be at any time arrested and thrust into prison without even the knowledge of his government, and I had therefore notified the minister in my dispatch that if, in future, charges of a criminal character, especially, were made against any consular officer of the United States here, information of that fact should be at once given to this legation.

The request seemed to somewhat surprise the minister, and in his dispatch he asked for an interview to discuss with me this point. Accordingly I called at his office on the morning of the 1st ultimo, and at his suggestion I gave him my views in support of the request. He listened very attentively to my remarks, and took full notes of all that I said. A memorandum of this interview is herewith sent. (See inclosure B.)

On the following morning I addressed to him another dispatch, (see inclosure C,) in which I recount the statement that twenty-five thousand gourdes, out of a bag containing one hundred and seventy-five thousand, were declared false, and attempt to show him, by reminding him of the

wretched condition of the paper currency of this country and of the common experience of merchants and others here in regard to it, that even if this statement be correct it would form no just basis for the proceedings against Mr. Teel. The minister is also reminded of the apparent illegality of the proceedings taken in the case, and of the lack of consideration seemingly shown in those proceedings for Mr. Teel's official character, and he is notified that the authorities of his government would be held responsible for all injury which they might in any illegal way inflict upon Mr. Teel.

To this dispatch the minister did not reply until the 8th ultimo. But meantime I saw and discussed with him the case, informally, several times. And I am rather under the impression that, without wishing to appear to recede directly from the ground taken in his dispatch of the 27th of July, he had, perhaps, indirectly secured the release of Mr. Teel. At all events, his dispatch is dated on the same day on which the district attorney at Anse-à-Veau gave a verbal order, which was immediately carried into effect, that Mr. Teel should be set at liberty and all proceedings against him be stopped.

In this dispatch (see inclosure D) the minister argues again in justification of the action of the authorities against Mr. Teel, and labors to show that it was in fact necessary. He admits, however, the common notoriety of my statement as to the unfortunate condition of the paper currency of this country, and even concedes that every person who has on hand large sums in these paper notes runs the risk of having among them bad bills. He declares, however, that Government experts can readily distinguish between the false and the genuine notes—a statement which is at variance with nearly everybody's experience here, and at variance also with the facts in this very case, as appears from the accompanying inclosure E. Declining to accede to my request for Mr. Teel's release, and pleading in refutation of my intimation that the proceedings against Mr. Teel were illegal, he declares that the three powers of the state—the executive, the legislative, and the judicial—are independent of one another, and says the only promise he can make me is that the affair will be hurried forward and be kept strictly within the law. Soon after the receipt of this dispatch I learned by a special messenger, sent me from Miragoâne and Anse-à-Veau, that Mr. Teel had been set free and proceedings against him stopped.

I thought it best, however, to wait a few days, to see whether the minister would himself inform me of the fact. And although the inland post passes between the capital and the other localities of the republic once a week, it was not until I had prepared my dispatch of the 22d ultimo that he disclosed to me his knowledge of Mr. Teel's release.

This dispatch of the 22d ultimo (see inclosure E) I judged it necessary to write, in order to review the whole case of Mr. Teel, and to maintain the grounds which I had taken in relation thereto in my former dispatches. In it the minister is assured that the Government of the United States recognizes the right of every government to regulate its own internal affairs in its own way, but that every government is nevertheless under the high obligations imposed, as well as the high benefits conferred, by public law, and has a certain right to safeguard the interests of its citizens sojourning or domiciled in other countries.

The dispatch goes at length into the details of Mr. Teel's case, and an attempt is made to substantiate the statements already advanced, to the effect that the action against Mr. Teel was without justifiable or probable cause, was not in accord with the requirements of Haytian law, and was taken without due regard to Mr. Teel's official position.

Comment is made upon the three independent powers of the state, and occasion is taken to invite his attention to the great safeguards of personal liberty recognized by our law, especially to the *habeas corpus* and the right of recognizance or bail.

And he is reminded again that the authorities of his government will be held accountable for all injury illegally inflicted by their action in this case upon Mr. Teel.

The minister has verbally signified to me his desire to make a response to this dispatch. But as in the month which has already passed since it was handed to him I have not received his response, I concluded that I would not longer delay forwarding to the Department the correspondence had on the subject up to this date.

This case seems to me to demand one or two remarks. It is quite generally supposed that this country is full of counterfeit paper-currency, and that these counterfeit notes are introduced largely, if not almost entirely, through persons in the United States.

In both these suppositions I am inclined to believe that there is at least some truth. The penalty which Haytian law attaches to the crime of counterfeiting is death.

But I am assured that this penalty has never yet been put into execution. The extent to which counterfeiting is carried on, and the facility with which persons charged with this crime have always heretofore escaped punishment, seem to have lately aroused the authorities, and they express a determination to pursue to the utmost any and every person found in any way connected with the nefarious business. But in Mr. Teel's case there are many reasons, most of which will be found at length in the accompanying inclosures, for believing that the proceedings against him were very unjust. No one that knows him could for a moment think him capable of abetting a crime. He is known as an industrious, thoroughly honest, kind-hearted, inoffensive man.

The proceedings against him were universally and justly regarded by the foreign merchants here as a great outrage.

I venture the unqualified assertion that, if his case is to become a precedent, there is not a single foreign merchant in Hayti that may not at any moment be subjected to the same treatment.

Every one felt all the more indignant and astonished at the action of the authorities against Mr. Teel, because there always has been, until the Jastram affair and this case of Teel's, a remarkable respect, mingled perhaps with a trace of fear, universally entertained for foreign consular officers of every grade in Hayti. Now, Mr. Teel has been unjustly subjected to pecuniary losses and to the humiliation of imprisonment by the authorities of this government.

In any well-established country he might find redress through the legal tribunals. But here an appeal to these tribunals would, in my opinion, be utterly useless in such a case.

In view of all the foregoing statements, I would respectfully request of the Department an instruction as to whether I shall officially ask of this government an indemnity for Mr. Teel.

I am, &c.,

EBENEZER D. BASSETT.

A.

[Translation.]

*Mr. Ethéart to Mr. Bassett.*DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, July 27, 1872.

MR. MINISTER: At the same time that your dispatch of the 25th instant came to hand relative to the arrest of Mr. Charles F. Teel, consular agent of the United States at Miragoâne, and merchant doing business at that place, the secretary of state of interior expedited to me certified copies, 1st, of a letter addressed to him by the commander of the arrondissement of Nippes, and, 2d, of the minutes of two investigations held in relation to the same subject. I have the honor to send you these different documents under cover of this communication. It will be easy for you to see thereby that Mr. Teel has not been ill-treated by the authorities of Miragoâne. The visit made to his house, the search that was effected there, the seizure of counterfeit notes, the arrest of Mr. Teel, were all accomplished in legal form; and if Mr. Teel has been sent to Anse-à-Veau, instead of being imprisoned at Miragoâne, it is because the civil tribunal of that arrondissement has its seat in the former locality; it is consequently there that are found the judges competent to take cognizance of his case.

You will agree with me, Mr. Minister, that if Mr. Teel is consular-agent of the United States, he is at the same time a merchant, and the privileges which surround him, certainly, as consular-agent cannot extend to him in his quality of merchant.

If there had been any violence exercised against Mr. Teel, he would have had the right to complain, but, as it appears to me, such is nowise the case. Mr. Teel is suspected of possessing counterfeit money; the authorities go to his house, verify and seize on a sum of twenty-five thousand gourdes in counterfeit treasury-bills, cause him to be arrested and delivered to judges competent to take cognizance of his case. I do not think that in these facts we can detect any reprehensible proceedings.

Permit me to observe, Mr. Minister, that legitimate suspicions had already been established against Mr. Teel, from the moment that the authorities had been informed that Messieurs E. Sievers and Company had refused to receive this money from Mr. Teel, and had returned it to him.

The affair in question being now legally in the hands of the judiciary, I do not think that it belongs to the executive power to order the immediate release of Mr. Teel before the case shall be tried and decided.

As a proof, however, of the steady desire of my government to maintain the good relations which exist between the United States and Hayti, the secretary of state for justice has written to-day with the view of hastening the investigation of the case.

The forms of law will be religiously observed, I assure you, Mr. Minister, and no pains will be spared to avoid as much as possible all tedious delays.

I count upon having an interview with you on the subject contained in the last paragraph of your dispatch, and I pray you to inform me when it will be most convenient for you to receive a visit from me for that purpose.

Accept, Mr. Minister, the renewed assurance of my highest consideration.

L. ETHEART,
Secretary of State, &c., &c.

[Translation.]

A. Debronne, major-general commanding the arrondissement of Nippes, to the Secretary of State, of Interior, and of Agriculture.

Liberty—Equality—Fraternity.

REPUBLIC OF HAYTI.

No. 635.]

MIRAGOÂNE, July 22, 1872, 69th year of the Independence.

MR. MINISTER: This will inform you that Mr. C. F. Teel, a merchant at this place, sent some funds inclosed in a sealed bag to Messrs. Emile Sievers and Company, merchants established at Port au Prince, to buy drafts, and that this bag, containing \$175,554, was returned to him by the schooner Nereid, arriving here about 10 o'clock this morning.

The authorities entertaining legitimate suspicions that this bag contained false money, were on the look-out, and immediately proceeded, after seizing the bag, to make a domiciliary visit to the premises of Messrs. Teel & Co., in order to examine the contents of the bag, as well as of such other places as might be used for the deposit of funds.

The fact remains established that of the \$175,554 contained in the bag, we found \$25,940 to be false bills of the denomination of \$20. Messrs. C. F. Teel & Co. declared to us that they had received this money from various debtors, among others from Mr. Gédéon Riobé, at whose place we found in a trunk the sum of \$110,072 in good bills.

The affair has therefore been referred to the commissary of the government for the arrondissement of Nippes, together with the documents in support of the accusation, followed by the arrest of the said Mr. Teel, who has been sent to be tried by his law judges. Under this cover are two several minutes recording the result of our investigations in the matter.

I pursue actively my functions, Mr. Minister, in order that the sword of justice shall fall heavily upon the fabricators of false money.

I have the honor to salute you, very respectfully.

A. DEBROSSE.

[Translation.]

Liberty—Equality—Fraternity.

REPUBLIC OF HAYTI.

On this 22d day of July, 1872, in the sixty-ninth year of independence, at 11 of the clock in the morning—

We, A. Debrosse, major-general commanding the arrondissement of Nippes, assisted by Major-General Glécy Felix, commanding the commune of Miragoâne, by the assistant magistrate of the same commune, and by other officers of the public force, in the absence of the justice of the peace and of his assistant, assembled in the commercial house of Messieurs C. F. Teel & Company, for the purpose of examining their safes and other objects used for the deposit of funds, as it had come to the knowledge of the authorities that this firm had sent money to the amount of one hundred and seventy-five thousand five hundred and fifty-four dollars, Haytian currency, to Messieurs Emile Sievers & Co., merchants established at Port au Prince, to purchase drafts, which sum was returned here by the schooner Nereid. Immediately after the landing we effected the seizure of a bag, well sewed up and sealed, containing the aforesaid amount.

In searching, as above stated, the objects that might serve for the deposit of funds, it resulted that, in the aforesaid bag containing one hundred and seventy-five thousand five hundred and fifty-four dollars, we found, after examination, the amount of twenty-five thousand nine hundred and forty dollars to be false bills of the denomination of twenty dollars, which the firm declared to have been received from sundry persons, to wit, first, from Mr. Gédéon Riobé, merchant of this place, ninety-seven thousand dollars; second, from Verdinet, two thousand dollars; third, from Gentil N. Alet, ten thousand dollars; fourth, from P. Devieux, eighty-four thousand dollars; fifth, from Milfort, twelve thousand dollars; sixth, from Bernard, twenty-one thousand dollars; seventh, from Valmers, twenty-four thousand one hundred five dollars; the names of other debtors were also given, which will be furnished, if needed, at the first investigation.

The above amount thus examined is to be expedited to the commissary of the government of this jurisdiction, with the papers relating thereto, in order that the affair may be proceeded with according to law, the arrest of the said Mr. Teel in the meantime being effected.

Of all which we have drawn up the present minute, on the day, month, and year above written, and subscribed our names hereunto.

C. F. TEEL & CO.
DAMBREVILLE.
G. FELIX.
A. DEBROSSE.

[Translation.]

Liberty—Equality—Fraternity.

REPUBLIC OF HAYTI.

On this 22d day of July, 1872, at 11 o'clock in the morning—

We, A. Debrosse, major-general commanding the arrondissement of Nippes, assisted by Major-General Glécy Felix, commanding the commune of Miragoâne, and other officers of the public force, in the absence of the justice of the peace and of his assistant, assembled in the commercial house of Gédéon Riobé & Co., the assistant magistrate of the commune being present, for the purpose of examining the safes and other objects

used for the deposit of funds, in pursuance of a declaration of C. F. Teel & Co., who asserted that their house had received from Mr. Gédéon Riobé the value of ninety-seven thousand nine hundred fifty-three dollars (\$97,953) during the past week, and that the false bills in Mr. Teel's possession may have come from Mr. Riobé. After having searched the house of the said Gédéon Riobé, we found in his trunk one hundred ten thousand seventy-two dollars (\$110,072) in good treasury-bills.

And the said Gédéon Riobé declared that he had delivered the aforesaid some eight days ago, and that the clerk of the house had verified it, and that he had given good bills; hence the false bills in possession of Messrs. Teel & Co. did not come from him.

In witness whereof we have closed the present minute the day, month, and year above written, and subscribed our names to the same.

G. RIOBÉ.
G. FELIX.
DAMBREVILLE FILS.
A. DEBROSSE.

B.

Memorandum.

THURSDAY, August 1, 1872.

In his dispatch relating to the Teel case, dated July 27th ultimo, the Haytian minister of foreign affairs had requested of the American minister an interview, for the purpose of discussing a point raised in the latter's dispatch of the 25th ultimo, on the same subject, and in response thereto Mr. Bassett called at the bureau of foreign affairs at 10 o'clock forenoon, Thursday, August 1, 1872.

After the customary exchange of courtesies, the Haytian minister, Mr. Ethéart, said he would thank Mr. Bassett if he would amplify and define the exact meaning of the last paragraph in his dispatch of the 25th ultimo, wherein it is stated that if, in future, any consular officer of the United States in Hayti be charged with transgressions of the law of this country, prompt notice of that fact should be sent to the United States legation. Does Mr. Bassett mean that such notification should be thus sent before initial proceedings be taken against these officers, in case they be charged with misdemeanors or crimes? If so, might it not lead to opportunity for the guilty to escape?

Mr. Bassett responded that the request under consideration might be considered in law as one resting upon international courtesy—perhaps privilege. But it was based upon good reason. The law of nations and specific international stipulations, such, for example, as those contained in the consular conventions between the United States and France, between the United States and Italy, recognize special discriminations before the municipal law in favor of consular officers of every grade. The reason for this is that these officers are clothed with a certain representative character. They are charged to safeguard in foreign ports the commercial interests of their country, and sometimes even are authorized to exercise *quasi* diplomatic functions. The immunities to which they are entitled do not, however, amount to those conferred upon diplomatic representatives. Yet they are of such a character that the municipal law in case of a charge upon probable or other good cause, of misdemeanor, or crime, should be brought to bear upon a consular officer with delicacy and prudence, and with special consideration for the good name of his government, his consular office and dwelling, and his person. The commission that he bears from his own government, and the exequatur that he receives from the government of the country to which he is sent, concur in suggesting the impropriety of snatching him from his official functions and summarily thrusting him into prison, particularly on slight or insufficient cause or suspicion, while he is yet in full possession of these credentials. Each nation might justly be too jealous of its official letters to see willingly one who holds them thus inconsiderately dealt with. In the United States express provision is made by the Constitution for the trial of all cases to which a foreign consular officer is a party. Besides, the United States Government selects with care and deliberation those whom it intrusts with the consular dignity. It is fair to presume that they are men of character, and certainly not likely to be persons capable of willful infringements upon the municipal law of any country. Surely that Government would not desire to continue in its consular service any person against whom serious charges are substantiated. Ought it not, then, to have early knowledge of any such charges? The representative character of the consul, the importance of the interests he is charged to safeguard, due respect for the good name of his Government, the dignity of his office, the presumptions in favor of his uprightness of character, all seem to demand that, in the case supposed, his Government should at least have this early knowledge.

Mr. Bassett also gave special references to the provisions of several consular conventions between the United States and other powers, dwelling particularly upon the one made with France in 1853, and the one with Italy in 1868.

The Haytian minister listened attentively to these remarks, and took full notes of all that Mr. Bassett said. He asked Mr. Bassett if he could have the opportunity of consulting the volumes to which reference had been made. He was of course told that every facility would be given him in this regard.

Mr. Ethéart, the Haytian minister, having made some allusion to the special case of Mr. Teel, Mr. Bassett said he was well convinced of the insufficiency of the evidence in support of the charges made against that consular officer, and of the injustice done by his summary arrest and imprisonment, and that it seemed to him but just to observe that the Haytian authorities, who are responsible for the proceedings against Mr. Teel, ought to be held accountable for all injury done thereby.

Minister Ethéart observed thoughtfully and hesitatingly that it was not perhaps always easy to insure a faithful and prudent execution of the law in countries like Hayti. He then thanked Mr. Bassett for calling at the bureau of foreign affairs, saying that it was his intention to have called at the United States legation for the interview. Thereupon a few moments of pleasant personal conversation ended the conference.

C.

Mr. Bassett to Mr. Ethéart.

LEGATION OF THE UNITED STATES.

Port au Prince, August 2, 1872.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 27th ultimo, in answer to mine of the 25th, in reference to the arrest and imprisonment of Mr. Charles F. Teel, United States consular agent at Miragoâne, and I must frankly say to you that neither your dispatch nor my conversation with you yesterday has in the least relieved my mind of the views and opinions expressed in my said dispatch of the 25th ultimo.

In Mr. Teel's possession were found one hundred and seventy-five thousand dollars, Haytian, which had been sent by him to E. Sievers & Company, Port au Prince, and by them returned to him. Thereupon, Mr. Teel's house, store, and premises were searched. Twenty-five thousand out of the one hundred and seventy-five thousand dollars were declared false money. Mr. Teel was then arrested and taken to prison to Anse-à-Veau.

I am sure that no impartial merchant, or other person who is practically cognizant of the unfortunate condition of the currency of this country, would consider the proceedings against Mr. Teel as justified by the facts in his case. It is not pretended that Mr. Teel was engaged in counterfeiting the currency of the country. It is not claimed that he had not fairly and in good faith received the moneys found in his possession. Every one in this community knows the difficulty of distinguishing the false money notes from the genuine. It is a matter of common speech and notoriety that, in the present unfortunate condition of the paper currency of this country, the counterfeit notes often escape the greatest care and scrutiny. In my opinion, any merchant or other person who handles large quantities of this currency is liable to have false notes imposed upon him. No merchant in this country can feel assured that he is entirely, or even generally, safe from these false notes. I cannot myself distinguish them. Can you yourself do so, Mr. Minister, in every case, or even in a majority of cases? I deny, therefore, in view of all these circumstances, that there was justifiable ground, or even probable cause, for the proceedings against Mr. Teel.

Again, the fundamental law of this country, the constitution of the republic of Hayti, in section 3, articles 16, 17, and 18, makes express provisions for the guarantee of personal liberty. It directs in what manner arrests and domiciliary visits may be made. The terms of these provisions were not complied with in the arrest of Mr. Teel and the searching of his premises. The proceedings against him were therefore illegal. They were, in fact, a clear infringement on the fundamental law of this country.

Mr. Teel is a consular officer of the United States. In that character he holds a commission from that Government, and an exequatur from yours. According to well-settled principles every person commissioned and recognized in this quality is under the special protection of international law. And in the eye of that law he has claims to protection and consideration to which an unofficial person may not be entitled. I do not claim that a merely consular officer engaged in business has an entire immunity from arrest. His engaging in business does not, however, absolve him from responsibility to his own government, nor does it take from him the special protection of international law. But considerations of friendship for his government and regard for its good name, do, in all cases, require that whenever for good and ample cause it is neces-

ary to take legal proceedings, especially of a criminal character, against him, this should be done with delicacy and caution.

What, then, shall be thought of the treatment which Mr. Teel has suffered at the hands of the authorities of this government? He was arrested without probable or justifiable cause; his premises were searched, and he was taken to prison without a compliance with the requirements of the fundamental law of the land; and the delicacy and consideration which might have been adjudged due to his official character were not shown, either to him or to this legation.

Mr. Minister, I reiterate all that is said in my dispatch of the 25th ultimo, and especially do I reiterate the urgent request for Mr. Teel's immediate release from prison.

I have also the honor to inform you that for all the injury which may be in any illegal way inflicted upon Mr. Teel by the authorities of your government, I shall hold it responsible.

I have the honor to be, Mr. Minister, your obedient servant,

EBENEZER D. BASSETT.

Hon. L. ETHÉART,

Secretary of State, &c., &c.

D.

[Translation.]

Mr. Elhéart to Mr. Bassett.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS.

Port au Prince, August 8, 1872.

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 2d instant, in answer to the one that I addressed to you on the 30th ultimo.

It is beyond doubt that if the right of the government to make precautionary arrests could be contested, when, after a domiciliary visit, it finds itself in possession of documents furnishing sufficient motive for such an arrest, then the administration would find itself in the impossibility of fulfilling its functions, and this point being conceded, all crimes and misdemeanors committed would remain unpunished.

Legitimate suspicions were established against Mr. Teel after his money was sent back from here by Messrs. E. Sievers & Company. His house was visited, and twenty-five thousand gourdes (\$25,000) in false papers were found. These are facts that it is impossible to deny. Could the authorities stop there without taking any further measure against Mr. Teel? Did it become those authorities to abstain from handing this affair over to justice? And how could it do so, according to the forms prescribed by the law, without making sure of the person of Mr. Teel? The examination of the matter will make known the guilt or innocence of Mr. Teel, who will show whether he received in good faith or fabricated the false papers that he had in his possession, and then Mr. Teel will be released or punished.

I have given you the formal assurance, Mr. Minister, that the secretary of state for justice has written to Anse-à-Veau to hasten with all due diligence the examination of the affair, and to diminish as much as possible all tedious delays. I will hasten to transmit to you all communications relating to this affair as soon as he shall send them to me.

It is true that persons are generally pleased to say that it is not possible to distinguish false bills from the genuine; but this is certain, that officers named by the administration to distinguish them know very well how to recognize them; and there are certain indices which are sure guides in this matter. I admit that every person, who has on hand large sums in paper money, runs the risk of having some bad bills; but then as soon as the quantity passes beyond a reasonable limit, the authorities have certainly the right to take measures to assure themselves of the source from whence these papers emanate, and this is what has been done in regard to Mr. Teel.

You will, therefore, recognize with me, Mr. Minister, after having well weighed these arguments, that the measures taken against Mr. Teel are not unjust, and that the authorities would have been guilty of a culpable negligence if such measures had not been employed.

Articles 16, 17, 18 of the constitution that you invoke in favor of Mr. Teel, in my opinion, have not been violated.

The motive of the arrest is well known; the law, in execution of which this arrest was ordered, is also. Mr. Teel has not been taken away from his proper judges; and while it is true that the constitution declares that the house of every person dwelling on Haytian soil is an inviolate asylum, yet nevertheless domiciliary visits are authorized within the forms prescribed by law.

The affair of Mr. Teel having been delivered over to the judiciary, if the executive, by its own authority, ordered the immediate release of Mr. Teel, then the constitution would be violated, for there are indeed three powers in the state, and they are independent one of the other. (Articles 41 and 43, title iii.) From all that precedes it follows, Mr. Minister, that no violence has been exercised against Mr. Teel; that suspicions having been established against him his arrest took place in the forms that the law prescribes; that he has been handed over to his proper judges, and that it does not belong to the government for the moment to order his release.

All the assurance that I can give you—assurance that I make it a point to repeat to you—is, that the examination of the affair will go on actively, and that the solution of it will be in no way retarded.

Receive, Mr. Minister, the assurance of my very high consideration.

L. ETHEART.

E.

Mr. Bassett to Mr. Ethéart.

LEGATION OF THE UNITED STATES.

Port au Prince, August 22, 1872.

SIR: Your dispatch of the 8th instant, relative to the case of Mr. Charles F. Teel, United States consular agent at Miragoâne, was handed to me on the 10th instant. I have delayed until now a formal acknowledgment of its reception, because I hoped that the more direct method of personal communication with you would result in an early favorable settlement of that case. I regretted, however, to learn from your friendly personal note of Saturday's date, as well as from the verbal message which you were good enough to send me day before yesterday, that no knowledge of any such settlement had up to that time reached your government. Nevertheless I have received from other sources direct and reliable information that Mr. Teel, because of the insufficiency of the evidence against him, was released from custody by the authorities at Anse-à-Veau, on the 8th instant, after an imprisonment of eighteen days.

There are, however, some facts and principles involved in this case, and some statements in your dispatch, which seem to require thoughtful consideration.

Permit me to observe that if the first paragraph in your dispatch was evoked by any expression in my dispatches to you on this subject, I must have been unfortunate in the language which I employed to convey my meaning. It is certainly in the interest of all governments that offenses against the well-being of society should be everywhere checked, and the United States do not deny the right of every other government to adopt and enforce its own laws in this regard within its own territory. But all civilized states are under the high obligations enjoined, as well as the high benefit conferred, by the law of nations. And every such state has the right to insist that its citizens or subjects sojourning or domiciled in any other state, shall not, in the eye of that high law, be unjustly dealt with. These principles, Mr. Minister, were intended to be kept fully in view in the dispatches which have been addressed to you by this legation in regard to Mr. Teel's case.

What strikes us unfavorably in the action taken with Mr. Teel is, that his premises were searched; he was himself deprived of his liberty, and subjected to the humiliation of imprisonment on insufficient evidence, without a compliance with the form required by Haytian law, and with no apparent regard to his official position as a consular officer of the United States.

And first you will allow me to allude to the evidence. You are pleased to admit in your dispatch that "every person who has in hand large sums in (Haytian) paper currency runs the risk of having some bad bills," and the common notoriety of the assertion that it is not possible to distinguish between the false and the genuine notes of the Haytian currency. But if it is correct, as you inform me, that there are certain sure indices by which the false and the true bills can be distinguished, I think it is to be regretted that this information has not been placed within reach of persons whose legitimate business brings on their hands large sums which may entail upon them the risk of having some bad bills. Mr. Teel ran this risk, and has sadly suffered for it. He had in this currency on his premises at Miragoâne, when they were searched by the authorities there on the 22d ultimo, about \$400,000 in his safe, and about \$175,000 in a sealed bag, which had just been returned to him from Port au Prince. Now, out of the \$575,000 the authorities at Miragoâne pronounced about \$25,000, or a little less than 4 per centum false money. The bag of \$175,000, containing the alleged false notes, was, I am reliably informed, examined again at Anse-à-Veau by the authorities there, and only about \$11,000, or about 2 per cent. of the whole amount found, in Mr. Teel's possession, and about 6 per centum of the \$175,000, were declared false.

It would thus appear that even the government authorities who scrutinize the cur-

ney are, after all, very much like the rest of us in their liability to misjudge between the false and the true bills, else how out of the same bag of money could \$25,000 be pronounced false by one set of officials, and only \$11,000 so pronounced by another set of officials? The question might also here arise whether, if one have of false notes 2, or 4, or 6 per centum in a large amount of this currency, he would pass the "reasonable limit" to which you refer. Besides all this, Mr. Teel offered to show by his books the legitimate sources from which he had received in course of regular trade all moneys found in his possession.

Indeed I should certainly be quite willing to leave it to any jury of impartial merchants or other competent persons here, who are accustomed to receiving and giving out in legitimate trade large sums of this currency, to say whether there is in these statements anything to warrant the proceedings taken against Mr. Teel, and I presume it would be of interest to all such persons to know whether it is to be considered that Mr. Teel's case ought to become a precedent. For my own part, I insist that, in view of all the peculiar circumstances, the proceedings against Mr. Teel were taken without justifiable or probable cause.

Permit me to inquire also whether these proceedings were altogether within the forms and requirements of Haytian law.

Article 16 of the constitution of the Haytian republic expressly declares that an act for the arrest of a person is not valid unless it expresses formally the cause of arrest and the law in execution of which the arrest is ordered, and further, that it is not valid unless a copy of the warrant ordering the person's arrest be left with him. Article 18 of the same instrument declares that no domiciliary visit shall be made except in virtue of the law and in the forms that it prescribes. But in spite of Mr. Teel's demands in this regard, no warrant for his arrest was shown either to him or to any person connected with him; there was no law cited to him, and no copy of any warrant was left with him. His private dwelling and his store were searched, but no authority was shown for this proceeding. Were there then, Mr. Minister, no infringements upon the fundamental law of Hayti, no violations of it, in the action of the authorities of your government against Mr. Teel?

Again, Mr. Teel's official position clearly entitles him, under the law of nations, to some special consideration, which was, I am sorry to say, in no way shown him. I venture the opinion that in no well-established country in the world can one who is at the same time a citizen and consular officer of a foreign state be, as Mr. Teel was, summarily arrested and taken to prison. No notice of his arrest and imprisonment was sent to this legation. That is to say, a consular officer of the United States was, upon an inadequate cause, summarily taken from his official functions, and actually confined in prison, without the knowledge of his government. A consular officer of the United States in prison! Is there no apparent disrespect to the good name and good friendship of his Government in such a proceeding as this? I am sure, however, that your government in these proceedings certainly intended no actual disrespect to us.

You inform me that in such a case as Mr. Teel's the executive could not interfere to secure his release. We have in the United States the same three independent divisions of the Government as those which, you inform me, exist in Hayti, namely, the executive, the legislative, and the judicial. But in all criminal cases the Government is a party, and it seems to me that this must be so everywhere, because crime is everywhere a public offense. If therefore the executive, from international or other considerations, desires proceedings to be discontinued in a criminal case, it can at any proper stage order to be entered a *nolle prosequi*. It is indeed singular if such a process is unknown here.

It is, perhaps, to be regretted that the great safeguards thrown around personal security and individual liberty by American and English law, the writ of *habeas corpus* and the system of recognizance or bail, are not incorporated in your judicial system. One result of a judicial system without these great safeguards is, that summary "precautionary arrests" and the "making sure of the person," in the sense in which you use these terms in your dispatch, may occur to the very great injury of innocent parties. But to regulate all such questions is the unquestioned concern of every independent state. We claim no right whatever, and certainly do not propose, to interfere with it in Hayti.

It only remains for me to say that, in my opinion, a very grave wrong has been committed in the proceedings of the authorities of your government against Mr. Teel, and that duty obliges me to reiterate to you that I hold your government responsible for all damage and injury done to him by these proceedings.

I avail myself, Mr. Minister, of this occasion to renew to you the assurance of my very high consideration.

EBENEZER D. BASSETT.

Hon. L. ETHÉART,
Secretary of State, &c., &c., &c.

No. 226.

Mr. Fish to Mr. Bassett.

No. 118.]

DEPARTMENT OF STATE,
Washington, October 5, 1872.

SIR: Your dispatch No. 149, of the 23d ultimo, relative to the case of Mr. Charles F. Teel, consular agent at Miragoane, has been received. The Department approves of the diligence and patriotic spirit which have characterized your proceedings with reference to that case. Its occurrence, so soon after that of Mr. Jastram, looks as if the Haytian authorities were actuated by a spirit of persecution against officers of the United States of that class. The arrest and imprisonment of Mr. Teel certainly appear to have had at least an ingredient of malice in them. There was nothing, so far as we are aware, in his antecedents, which could lead to the presumption that he would deal in counterfeit paper currency, knowing it to be such. The difficulty of distinguishing between the genuine and the spurious, even on the part of skilled and experienced government officers in Hayti, is acknowledged, and was shown by the wide discrepancy of the results of the two examinations of the paper which Mr. Teel had sent to Port au Prince. The most careful and honest private person, therefore, might easily be imposed upon in the receipt and payment of such currency. By ultimately releasing Mr. Teel without trial, that government may be said to have acknowledged that the proceedings against him were baseless and without probable cause. You will, consequently, intimate that it is expected he will be indemnified for the injury which he has sustained.

I am, &c.,

HAMILTON FISH.

HONDURAS.

No. 227.

Mr. Baxter to Mr. Fish.

No. 39.]

LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, September 1, 1871. (Received Oct. 14.)

SIR: The political condition of Honduras since the close of the war with Salvador would seem to be very quiet and satisfactory.

President Medina, however, has thought fit to submit to the people the question, whether it be their wish that he serve the remaining two years of his second term as President; upon which he asks the people to vote *yes* or *no* in October next. This course is undoubtedly taken by the President on account of the considerable dissatisfaction expressed, and the revolution attempted during the war with Salvador.

Honduras has been thrown into a great commotion and excitement owing to the banding together of an armed force of about three hundred desperadoes, under the command of one of the Hatruche leaders by the name of Sambrano, who have been burning and plundering to considerable extent toward the Pacific coast. The military have, however, been in

pursuit, and have met, attacked, and dispersed them, killing quite a number, and taking many prisoners, among whom is the leader, Sambrano. This will undoubtedly settle the matter and restore quiet.

The Interoceanic Railway is not progressing very rapidly just now, very little being done on the second, and nothing on the third section. The cause for this condition of things, as ascribed by the managers of the works is, that during the war it was almost impossible to procure labor, and the works have not yet been resumed.

In many localities the first planting of corn has been almost entirely destroyed owing to the exceeding dry season. The second crop is just being put in, and should the season for this prove favorable, will very much relieve the want that will be felt from the failure of the first.

The health of Honduras thus far this season has been good.

I have, &c.,

HENRY BAXTER.

No. 228.

Mr. Baxter to Mr. Fish.

[Extract.]



No. 40.]

LEGATION OF THE UNITED STATES,

Tegucigalpa, Honduras, October 2, 1871. (Received Nov. 16.)

SIR: In my dispatch numbered 39, dated September 1st, I stated that the armed force of desperadoes that were banded together, and had been committing serious depredations in the vicinity of the Pacific coast, had been dispersed by the military, and this would probably put an end to this trouble. In this, however, I misjudged; for these desperadoes very soon reunited, and are now reported stronger than ever, the reported number varying from four to seven hundred; that prominent desperadoes from Nicaragua have joined them, and that the matter is assuming a semi-political character. About the middle of last month a detachment of soldiers sent against them was thoroughly and entirely defeated, and the survivors so scattered that they did not reunite, and the entire country seems thoroughly alarmed.

Active measures are being taken to get a sufficient force together to overpower and put them down. In the mean time the citizens of the cities are organizing to defend themselves and property if necessary.

I have, &c.,

HENRY BAXTER.

No. 229.

Mr. Baxter to Mr. Fish.

No. 43.]

LEGATION OF THE UNITED STATES,

Tegucigalpa, Honduras, December 4, 1871. (Received Jan. 1.)

SIR: Honduras still continues in a very unsettled state, owing to the yet unconquered and unsubdued band of Indians and desperadoes, of which I have made mention in previous dispatches. Although they have been met and routed several times by the soldiery, the country is such that when attacked, if overpowered, they are enabled to disperse

for the time, flee to the mountains, and soon reunite in **some other** locality in their full strength, to continue their outrages and robberies, thus rendering the entire southern portion of Honduras **insecure** and unsafe for travel or transportation, and business almost **entirely** paralyzed. It is with great difficulty that communication is had with Amapala and the interior, rendering our mails very irregular and uncertain.

There are now vague rumors of the probability that the governments of Salvador and Gautemala may unite to overthrow the present government of Honduras; but with how much foundation I am unable to say.

I have, &c.,

HENRY BAXTER.

No. 230.

Mr. Baxter to Mr. Fish.

No. 47.] LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, March 11, 1872. (Received April 2.)

SIR: I have the honor to inclose a copy of treaty made by the government of Honduras with the insurgent leaders of the Indian **faction** that had for some time been disturbing the peace of the country and committing serious depredations, (of which I have heretofore made mention,) and since said treaty there has been internal quiet.

I also forward the message of President Medina to Congress on its convening at Comayagua on February 9. There are still many rumors of a possible war between Honduras and Salvador; but it is the prevailing opinion that there will be a peaceful solution of all questions of differences, and that amicable relations may be maintained.

I have, &c.,

HENRY BAXTER.

No. 231.

Mr. Baxter to Mr. Fish.

No. 49.] LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, March 30, 1872. (Received May 4.)

SIR: The political relations between the governments of Honduras and Salvador (and particularly the respective Presidents of the two republics) for some time past has, by no means been friendly, the press of Salvador being especially bitter against President Medina, and it has been thought very probable that Salvador and Guatemala were likely to unite to make war upon Honduras, (which now is believed to be almost certain,) and for the sole purpose to displace President Medina. I inclose a printed decree of President Medina, declaring at an end all official relations between Honduras and Salvador, until a good understanding is re-established, and putting the army of Honduras on a war-footing, &c. War is universally considered inevitable, and by citizens of Honduras opposed to President Medina (of whom there are many) his overthrow as certain.

The Honduras Railway is not being pushed with special energy, and certainly its speedy completion from present appearances cannot be anticipated.

I have, &c.,

HENRY BAXTER.

No. 232.

Mr. Baxter to Mr. Fish.

No. 51.]

LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, May 15, 1872. (Received July 3.)

SIR: I would respectfully state that the war which has been so long imminent between Honduras and Salvador has resulted in the declaration of war by Salvador, * * * and it is reported (upon what authority I do not know) that Guatemala joins with Salvador in the war. * * * President Medina has deposited the executive power of the republic in the hands of Hon. Cresencio Gomez, and has taken command-in-chief of the army. On the 3d or 4th instant, a division of the Salvadorian army, commanded by General Juan Antonio Medina, invaded Honduras, and at Sabana Grande (about twelve leagues distant from Tegucigalpa) surprised a division of the Honduras army on the 6th instant, entirely routing and dispersing them, and capturing the entire train, and about four hundred stand of arms, only the general commanding (Velez) and his staff escaping, thus leaving the entire southern portion of Honduras in the hands of the invading army. On the 7th or 8th the port of Amapala was surrendered to a detachment of Salvadorian forces. On the 9th, Tegucigalpa was occupied by the Salvadorian general, Medina, and his forces, and on the 12th the capital, Comayagua, by the same forces, all without opposition, the President *pro tem.*, (Gomez,) cabinet, and government officials retiring, to what locality I am not yet informed. President Medina is supposed to be in the department of Gracias with the main force, and it is reported that President Gonzalez with the Salvadorian forces is marching to attack him. Of the numbers of either army I have no reliable information. The war from the beginning in Honduras has assumed a revolutionary character, and the departments as they are occupied pronounce against the *present government* and in favor of the *provisional government*, which is reported to have been formed with one Céleo Arias as provisional president, and all the friends of this change are very confident of the success of the revolution, which would seem very probable if Salvador and Guatemala are acting in concert, and can keep their own republics quiet for a sufficient time.

I have, &c.,

HENRY BAXTER.

No. 233.

Mr. Baxter to Mr. Fish.

[Extract.]

No. 52.]

LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, May 30, 1872. (Received July 3.)

SIR: To-day the official report is received in Tegucigalpa that on the 27th President Medina attacked Comayagua with the hope to re-

possess the capital, and that after a battle of many hours he was repulsed with severe loss in killed and wounded, and was forced to retire very much disorganized. This news gives the revolutionists great encouragement for the speedy downfall of President Medina's government, and the permanent establishment of the provisional government. No information whatever has thus far been received here of the allied armies of Salvador and Guatemala *supposed* to be in the field, or of either of them, except this division. * * * *

I have, &c.,

HENRY BAXTER.

No. 234.

Mr. Barter to Mr. Fish.

No. 55.]

LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, June 12, 1872. (Received July 18.)

SIR: Honduras is still in a very unsettled condition, and although those opposed to President Medina and his government endeavor to make themselves believe that the war is over, and that they have very little further to do except to complete the organization of the new government; and, while this may be so, very little is reliably known of President Medina or his resources. After the repulse of President Medina at Comayagua on the 27th of May, (which I mentioned in my dispatch of the 30th,) it is here reported that he retreated to Omoa, and occupied the fortress at that place, and whether he is still there or has abandoned the country, and, if there, what force he may have, or what may be his resources, is not known.

I have no information of the acting President Gomez and his government since they left Comayagua on the 11th or 12th of May, (which I mentioned in my dispatch of the 15th,) just before the occupation of the capital by the Salvador troops. The main forces of both Salvador and Guatemala are reported to have returned to their respective States, leaving in Honduras one division, about eight hundred strong, to remain until the provisional government shall be permanently established.

The provisional government, it is expected, will very soon occupy the capital, Comayagua, and, from present indications, it would seem that President Medina must fall; but all information, however, that can be obtained is very unreliable.

I have, &c.,

HENRY BAXTER.

No. 235.

Mr. Baxter to Mr. Fish.

No. 56.]

LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, June 21, 1872. (Received July 18.)

SIR: I know so little of the actual condition of affairs in Honduras that it is almost useless for me to attempt to convey any reliable information as to the present status of the country, or the probable result of the present revolution. The war was without doubt occasioned by personal differences between Presidents Medina and Gonzalez; and

the revolution in Honduras is the result of personal dislikes and the desire for personal power, rather than of any desire for the public welfare.

All is but rumor and report. The provisional government occupy Comayagua, the capital, and it is supposed that President Medina and his government are at Omoa or Truxillo, with what forces is not known here, and what may be his intentions is not even surmised.

Report has just reached Tegucigalpa that Salvador is in a state of revolution. Upon what authority such is made I am not informed, but should think it very probable that such may be the case.

I have, &c.,

HENRY BAXTER.

No. 236.

Mr. Baxter to Mr. Fish.

No. 61.]

LEGATION OF THE UNITED STATES,
Tegucigalpa, Honduras, Aug. 10, 1872. (Received Sept. 16.)

SIR: Since my last dispatch (No. 60, of July 13) there has been no communication between Tegucigalpa and the port of Amapala, as the country between this and the southern coast has been occupied by an armed force of Indians, estimated from four to six hundred, commanded by one Barona, professedly acting in the interest of President Medina, but appearing to act entirely upon their own responsibility. On the 15th I shall have three mails awaiting in Amapala, and now start a courier with the hope that he may succeed in making the trip. On the 30th of July Tegucigalpa was attacked by a force of about three hundred of these Indians, commanded by Barona himself, but the citizens arming themselves, with about fifty soldiers, made a successful resistance, and, after a battle which lasted about one hour and a half, the Indians made a precipitate retreat. Tegucigalpa, however, is in a continual state of fear and excitement, as this force continue in the vicinity. Honduras now has a revolution within a revolution. On the 15th of July the castle at Omoa was surrendered to General Don Juan Antonio Medina, a Salvadorean general, acting under the provisional President, Arias, and the provisional government; and, on the 16th, this same General Don Juan Antonio Medina declared himself provisional president, appointing his ministers, &c. This is supposed by many to be an arrangement between President Medina and himself. Nothing reliable is known here of this second provisional government. On the 25th of July President Medina, with a force of six hundred, is reported to have been routed at Santa Barbara by the provisional government troops, under command of General Espinoza. On Wednesday last, the 7th, the news was received by the authorities here that President Medina had been captured at Porto Cabello, and was being brought to Comayagua in irons. This news was celebrated by a general ringing of bells and firing of cannon. Nothing confirmatory, however, has as yet been received,

I have, &c.,

HENRY BAXTER.

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No. 237.

Mr. Baxter to Mr. Fish.

No. 62.]

LEGATION OF THE UNITED STATES,

Tegucigalpa, Honduras, Sept. 6, 1872. (Received Oct. 8.)

SIR: My courier that I dispatched from Amapala, on the 10th of last month, only returned on Monday last, the 2d instant, having been twenty-three days absent. On his way down to the coast he was taken prisoner by the Indians and kept for four or five days a prisoner; his money, arms, &c., taken from him; my correspondence, however, was not taken. On his return he made a great circuit, traveling nights in dangerous localities, and succeeded in getting through as stated. I have the honor to acknowledge the receipt of your dispatch No. 40. As I stated in my dispatch No. 61, of August 10th, President Medina was reported to have been taken prisoner, and this proved to be true, and he arrived at Comayagua on the 9th of August, where he is still held a prisoner by the provisional government. General Juan Antonio Medina, whom I reported in my last as having declared himself provisional President, has been driven from the country, and is reported to have made his escape to Salvador, and now held a prisoner there. The provisional government of Celó Urias would appear to have now very little opposition, and in a fair way to be permanently established. It is now proposed by those in authority to bring President Medina before the first congress that shall be convened, for trial under the charges that may be brought against him. Of what nature these charges may be I have no information.

I received on the 31st ultimo, from William J. Bain, esq., agent for the second and third sections of the Inter-oceanic Railway, a communication dated August 29th, stating that he had received instructions, by last mail from England, to hand over at once all plans, &c., to the government of Honduras, and to proceed at once to England with all the staff of the railway. This would seem for the present to put an end to the prospects of the Inter-oceanic Railway in Honduras, especially as the bonds of the railway by last mail were reported under 40, when the same had previously been at 80 and over.

I have, &c.,

HENRY BAXTER.

ITALY.

. No. 238.

Mr. Marsh to Mr. Fish.

No. 366.]

LEGATION OF THE UNITED STATES,

Florence, July 28, 1871. (Received Aug. 21.)

SIR: I have the honor to inclose herewith copies of letters from Messrs. Granet, Brown & Co. and Mr. Garbi, merchants, at Genoa, to this legation in relation to the new duty on petroleum imported into Italy from the United States, and of a correspondence between this legation and the ministry of foreign affairs on that subject. The correspondence does not seem to me to require any special comment on my

part. I should observe, however, that at the time of my conversation with the minister of foreign affairs, on the 25th of June, reported in my dispatch No. 359, I was wholly unaware of the fact that the law had already been approved, and the time of its going into effect fixed by royal decree; and, in justice to the minister, I ought to add that I have no doubt he was equally so.

The decrees were doubtless drawn up and presented to the King for signature at the instance of the minister of finance, and without the participation of the minister of foreign affairs, to the functions of which department the subject does not belong.

For the clearer understanding of the question, I beg leave to submit the following observations:

The early importations of petroleum into Italy consisted in a large proportion of burning-fluids exported from the United States to France in the crude form, refined in that country, and then re-exported on French account to Italy. The question of the rate of duty, therefore, interested France as well as the United States, and had, I believe, been under discussion between the Italian government and the French minister before the attention of this legation was called to the question.

At first, after some hesitation, these fluids were assimilated to bitumen, which, by the treaty with France, was admitted duty free, but about the close of the year 1863, in virtue of a circular from the minister of finance to the officers of the custom-houses, a duty of six francs per hundred kilograms was exacted upon refined petroleum, the crude fluid still being entered duty free, and this regulation has remained in force until the passage of the late law imposing a higher rate.

The Italian government regards these different constructions of the French treaty by its authorities as provisory only, and at all times subject to revision; and it contends that the fluids now so largely imported from the United States in various forms, all comprised under the generic name of petroleum, cannot be considered as having been contemplated by the treaty of 1863, because this product, under the designation of bitumen or any other used in that instrument, was at that time not known as an article of commerce, and hence the right remains to subject it to duty, independently of treaty provisions.

As most American petroleum is at present refined in the United States before exportation, France has little further interest in the question, and, as I am informed, does not contest the ground now taken by the Italian government.

I have not thought it expedient without instructions on the subject to enter into any discussion of the question of the legal construction of the treaty stipulations with France, or of what may be a still more difficult one, viz, whether we, not being parties to that treaty, but only entitled to the benefit of its provisions by the general stipulations of the treaty of 1838, between the United States and Sardinia, to which France was not a party, can, on that ground, be allowed to dispute a construction which is accepted by the parties to the first-named instrument.

The financial measure now resorted to by the Italian government is unequal and oppressive in its operation, and must certainly be regarded as savoring of undue harshness in its application. Although it cannot be said to be in the nature of direct retaliation, yet I have no doubt that its adoption is in no small degree to be ascribed to the high rate of duties levied by us on Italian marble, wines, and many other products, and I shall not be surprised if other features of our tariff system—such, for example, as the discrimination between the works of foreign artists

and those of American artists residing in foreign countries, which excites much dissatisfaction—shall induce the imposition of export duties on certain articles, or other modes of compensatory provisions of our tariff, which are complained of as greatly injurious to the industry of Italy.

I am, &c.,

GEORGE P. MARSH.

[Inclosure 1 in No. 366.]

GENOA, June 7, 1871.

SIR: In the interests of our American correspondents who have been in the habit of exporting largely refined petroleum from the United States to Italian ports, we take the liberty of addressing you to inquire whether it is contemplated that the increase of duty on the said article now under the consideration of the Italian parliament shall be applied also to the cargoes aloft or loading in the American ports on the day when such augmentation of duty is enforced in Italy.

We are informed that upon a change in the tariff taking place some years since in sugar, coffee, and other produce, facility was allowed importers to introduce such goods as were then afloat, or about to sail for Italian ports, at the old duty upon the presentation of bills of lading, or other proofs of shipment at the time of the enforcement of the increased duty.

We should be glad to learn that an equal protection will not be denied to our American friends who have made or are making shipments in complete ignorance of the contemplated increase in the cost which the new duty will entail upon them.

Begging respectfully your consideration of the question, and a reply as soon as convenient,

We are your excellency's obedient and humble servants,

GRANET, BROWN & CO.

His Excellency the Hon. GEORGE P. MARSH,

United States Minister Plenipotentiary, Florence.

[Inclosure 2 in No. 366.]

LEGATION OF THE UNITED STATES,
Florence, June 12, 1871.

GENTLEMEN: The tariff bill, providing for imposing a duty of five francs on crude petroleum, and raising the duty on refined petroleum from six to nine francs, is still pending before the Italian senate. It is believed it will pass before the close of the session.

If passed, it is to take effect at a date to be fixed by royal decree, and I am informed at the foreign office that a reasonable time will be allowed, to save the rights of *bona-fide* shippers.

I am, gentlemen,

For the minister,
ARTONI.

Messrs. GRANET, BROWN & Co., Genoa.

[Inclosure 3 in No. 366.]

LEGATION OF THE UNITED STATES,
Florence, July 6, 1871.

GENTLEMEN: Returning from Rome I find yours of the 1st instant, and will immediately bring the subject to the attention of the Italian government.

Before I can take any specific steps, however, I must have definite information as to—

- 1st. The nationality of the owners of the petroleum shipped.
- 2d. The time of shipment.
- 3d. The nationality of the vessel by which the cargoes are shipped.
- 4th. The quality and quantity of the article, and the amount of duty levied upon it.

I can interfere in no case unless it is susceptible of proof that the petroleum is exported solely on account of shippers of American nationality.

GEORGE P. MARSH.

Messrs. GRANET, BROWN & Co., Genoa.

[Inclosure 4 in No. 344.]

LEGATION OF THE UNITED STATES,

Rome, July 9, 1871.

SIR: In a conversation I had the honor to hold with you at the ministry of foreign affairs at Florence, on the 25th of June last, I expressed the hope that the law passed by the parliament then in session, providing, among other things, for the imposition of an increased import duty on petroleum, but which I had not seen, was so framed as not to conflict with treaty stipulations, and at the same time to save the rights of American shippers who might have shipped, or made contracts for shipping, this article to Italy before the passage of the law in question could be known in the American market.

I understood you to say, in reply, that in fixing the date at which the law should take effect by royal decree, the equitable rights of *bona-fide* shippers would be considered, and provision made accordingly.

Importers of American petroleum at Genoa inform me that the additional duty is exacted on petroleum arriving at that port, although shipped before the passage of the law, and of course many days before the existence of the law could have been known to the exporters. The third article of the law (allegato C) is this:

"ARTICOLO 3. Con Decreto Reale sarà determinato il giorno in cui andranno in vigore le disposizioni di questa legge."

The royal decree, (No. 260, series 2,) dated Turin, June 16, 1871, in the concluding paragraph runs thus:

"Ordiniamo che la presente, munita del sigillo * * * * * mandando a chiunque spetti di osservarla e di farla osservare come legge dello stato." In this decree no specific day is appointed for the law to take effect, but I am informed that the revenue officers at Genoa consider the decree as giving immediate force and validity to its provisions, and collect duty accordingly.

I beg to be informed whether any other ordinance or provision than the decree referred to has been made, and that such measures may be taken as shall do justice to *bona-fide* shippers of petroleum arriving in Italian ports.

I avail myself of this occasion to renew to you the assurance of my high consideration.

For the minister,

GEORGE W. WURTS,
Secretary of Legation.

The Noble Chevalier VISCONTI VENOSTA,
Minister of Foreign Affairs.

[Inclosure 5 in No. 366.]

GENOA, July 11, 1871.

SIR: We have the honor to acknowledge the receipt of your letter of the 6th instant, and hasten to furnish the information you require. Messrs. T. Hess & Co., of New York, shipped to our consignment for sale on their account a small cargo of refined petroleum, consisting of 4,000 cases prime white brand "Oleophene," by the Italian brig Niagara, Mr. G. Bartolomeo. The bill of lading is dated New York, April 22, and the vessel arrived in this port on the 9th instant.

The amount of duty we should have to pay under the new tariff would be as follows:

4,000 cases, at 38 gross killograms=152,000 gross killograms, at 9 francs per	
100 killograms, would amount to, francs.....	13,680.00
Emolument, 5 per cent.....	684.00
War taxes 10 per cent.....	1,436.40
France, gold.....	15,800.40

Whereas under the old duty of 6 francs per hundred kilograms gross, without the additional 5 per cent. emolument, and 10 per cent. *décimo de guerre*, it would be only gold francs 9,120.

What makes the case especially hard for our American friends is, that a large cargo of refined petroleum in cases, which sailed fifteen days after the Niagara, made a shorter passage, and arrived a few days before the 1st of July. The consignee was thus enabled by paying the old duty at once, to commence sales at prices which, leaving him a large profit, would cause our friends a heavy sacrifice.

We may mention that the French government has, since our last communication, decreed that cargoes by vessels sailing before a certain date shall be introduced under the old duty. We cannot see why equal justice should not be accorded to shippers investing in merchandise for sale in this country also. This is the only cargo we have answering precisely to the conditions required, and in which we are not ourselves interested.

Awaiting the favor of your further communication, we are your excellency's obedient and humble servants,

GRANET, BROWN & CO.

His Excellency the Hon. GEORGE P. MARSH,
Minister of the United States of America, Florence.

[Inclosure 6 in No. 366.]

LEGATION OF THE UNITED STATES,
Rome, July 15, 1871.

SIR: Referring to my note of July 9, in relation to the duty on petroleum imported into Italy from the United States, I have the honor to inclose herewith a copy of a letter from Granet, Brown & Co., merchants at Genoa, which points out clearly the hardships and loss to which American exporters of the article, who had made shipments before the passage of the law imposing new and higher duties on petroleum could have been known in the United States, are exposed. I am informed that this is not the only case of this sort which has occurred at Genoa, and that other cargoes of petroleum, shipped under similar circumstances, are daily expected to arrive at that port.

You will remember that for more than eight years American shippers of petroleum have been encouraged by the construction given by the Italian government to the existing treaty between Italy and France to consider the duty on this product as not subject to change by legislative action until the expiration of that treaty. In reliance upon the stability of this arrangement, large contracts have been made by American dealers for the purchase of supplies of petroleum from the producers, with special reference to the Italian trade. The interests of these dealers cannot but be injuriously affected by any increase of duties upon a product the duties upon which were understood to be fixed by treaty for several years to come. I do not, however, at this moment, raise the question how far the construction hitherto given to the treaty in this respect by the Italian authorities is binding upon Italy, but I cannot refrain from expressing the confident belief that His Majesty's government will see the justice of adopting some measure securing *bona-fide* dealers from the injurious effects of the sudden enforcement of a law which must operate as a surprise upon those who had shipped their goods, not simply without knowledge of the law, but even before its passage.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

For the minister,

GEORGE W. WURTS,
Secretary of Legation.

The Noble Chevalier VISCONTI VENOSTA,
Minister of Foreign Affairs.

[Inclosure 7, in No. 366.]

FLORENCE, July 19, 1871.

His Excellency the UNITED STATES MINISTER at Florence.

In my capacity of agent of the American firm Fabri & Channey, of New York, I beg to call the attention of your excellency to the following facts:

To provide for the continuous and large requirements of their trade in Italy, where they are the largest importers, Messrs. Fabri & Channey made six cargoes of petroleum to my consignment by the vessels hereafter described:

Nazzarino, chartered on the 2d of May, sailed on the 19th with 500 barrels and 6,197 cases for Gallipoli and Ancona; arrived on the night of the 30th of June.

Emilia, chartered on the 5th of May, sailed on the 18th May with 5,360 cases for Brindisi; arrived on the 3d of July.

Vincenzo, chartered on the 19th of May, sailed on the 27th May with 5,714 cases for Civita-Vecchia.

Mary A. Thayer, chartered on the 26th of May, sailed on the 6th of June with 8,100 cases for Ancona.

Alfred, chartered on the 31st of May, left on the 9th of June with 500 barrels and 6,435 cases for Palermo and Catania.

McGilvery, chartered on the 9th of June, sailed on the 22d June with 19,855 cases for Genoa and Leghorn.

All these shipments were made from New York. I am ready to give all the proofs which may be required in support of these facts.

On the 17th of June a law was published in Florence by which the duty on refined petroleum was raised from 6 to 9 lire from the 1st of July instant, and the Italian government means to apply this law to all cargoes which had not been entered in the custom-house before 4 o'clock of the 30th ultimo.

Now, I leave to the good judgment of your excellency to appreciate whether the Italian government had the right to levy a higher duty, before a proper notification had been given to the country where all the refined petroleum comes from, and even more, to levy this higher duty on cargoes which had been made on the basis of the old duty, and had left before the new law could possibly be known, thus leaving to *bona-fide* shippers no option whatever but to lose a heavy amount, as it was no longer in their power to direct the vessels to some more hospitable harbor.

The delay given of fifteen days, probably intended to the benefit of floating cargoes, was evidently an unjust one, as there is no reason why, of all vessels which have left in utter ignorance of the new law, only those which were within twelve days of an Italian harbor would meet with an exceptional favor.

I hardly need to prove that the shipments above described were *bona-fide* operations, as it is a well-known fact that Messrs. Fabri & Channey have been shippers yearly for the last six years of over three millions of gallons, and it is very seldom the case they have not at any time five or six cargoes of petroleum floating; besides, had they had the intention of laying in a good stock before the new duty went in force, it is very evident, by comparing dates of charters with date of the law, they could not have operated with that intention.

To avoid difficulties, as soon as the new law was made public I proposed to pay the duty before the 30th of June on all the petroleum cargoes I had then floating, and of which I could then produce the bills of lading. Not only this offer was refused, but I was obliged to pay the new duty on the Nazzarino, which arrived on the night of the 30th June or 1st July.

I have, therefore, no other way left but to apply to your excellency, as the best protector of all American interests, in order to obtain, in behalf of American citizens, a simple act of justice from the Italian government. The difference between the two duties on the cargoes above described is very nearly one hundred thousand lire, a very small amount for a government, but an extremely large one for a merchant.

I remain,

ALESSANDRO GARBI.

[Enclosure 8 in No. 366.]

LEGATION OF THE UNITED STATES,
Rome, July 20, 1871.

SIR: In my notes of the 9th and 15th instants I had the honor to call your attention to the unjust loss which would be occasioned to merchants engaged in the petroleum trade by the new duties embodied in the law recently passed, and levied on consignments of that product exported by *bona-fide* shippers from the United States before the existence of that law could have been known there. In connection with the facts then stated, I inclose herewith a copy of a communication from the agent in this city of Messrs. Fabri & Channey, of New York, and beg for information whether any measures have been taken by His Majesty's government for the protection of the interests of this important branch of the commercial relations between the United States and Italy.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration

For the minister,

GEORGE W. WURTS,
Secretary of Legation.

The Noble Chevalier VISCONTI VENOSIA,
Minister of Foreign Affairs.

[Inclosure 9 in No. 366.—Translation.]

Note from Italian ministry of foreign affairs.

ROME, July 26, 1871.

MR. MINISTER: By your notes of the 9th, 15th, and 20th instant, you called the attention of the government of His Majesty to the loss which the increased tariff on petroleum is causing American merchants who, before the publication of the law for raising the revenue, had shipped, or had contracts to ship, that product to Italy.

You remarked that the trade should have been informed of the tenor of this law before its application, and added that the date on which the law was to be enforced was not fixed by the royal decree of June 16, 1871, No. 260, second series, at the same time that article 3, of the supplement 6, provided that the day on which the provisions of this law were to be enforced would be determined by royal decree.

Taking this royal decree for basis, the custom-house authorities appeared in the wrong, when exacting from July 1 the duty on petroleum as fixed by the new law. For these reasons you recommended to the attention of this government the interests of American merchants who, in good faith, had made shipments of petroleum to Italy before the new law was known or promulgated.

I shall not now stop to examine at what period the minister of finance, impressed with the necessity of increasing the duties on certain imports, made, in accord with the committee of the chambers, his proposals to parliament.

I have only to observe that, by the royal decree of June 16, No. 264, second series, published in the official gazette of the 17th of last month, No. 163, the changes in the tariff on imports, cited in the supplement 6, to the law 260, were ordered to take effect on the 1st of July, 1871.

And even if article 3 of the supplement 6 to the law published with the royal decree No. 260, had not made the reservation of appointing the day on which its provisions should take effect; and even if the decree No. 264 had not provided for that reservation, the law in any case would become obligatory fifteen days after its publication by the terms of the *codice civile*, (article 1st, regulations concerning the promulgation, interpretation, and application of laws in general.)

Regarding, then, the rules for the application of new duties, the minister of finance observes that article 4 of the preliminary regulations for the custom-house provides that—

“Should any change be made in the duties on goods coming from abroad, or of foreign produce, the pre-existing duty shall be charged on those withdrawn from the warehouses, if the declaration to pass them through the custom-house has been made before the publication of the new duties.”

The declaration of the entry of the goods being obligatory at the moment of their entry, it is clear that the law, instead of making any exception in favor of merchandise afloat on the way, intends to subject it to taxation by the new tariff on arrival in the kingdom.

I trust, Mr. Minister, that the foregoing explanations, while they prove that the additional duty on petroleum was rightfully enforced on the 1st of July, will also suffice to show that the royal government finds in the law an obstacle which prevents the claims of the American merchants being taken into consideration, and it cannot, in consequence, although with regret, adopt any measure in favor of those products which, notwithstanding their having left before the publication of the changes in the tariff, arrived in the kingdom when these changes were in operation.

Accept, Mr. Minister, the assurance of my high consideration.

For the minister,
A. PEIROLEPI.

No. 239.

Mr. Hunter to Mr. Marsh.

No. 307.]

DEPARTMENT OF STATE,
Washington, September 8, 1871.

SIR: Referring to your dispatch No. 366, relating to the new duties imposed by the Italian government on petroleum, I have to state that although the position of the United States relative to the treaty between France and Italy of January 17, 1863, may not justify you in claiming for this Government the right to dispute a construction accepted by the

parties to that instrument, yet you may argue in favor of a compromise which shall exempt cargoes afloat from the application of the new tariff until we have had time to receive notice of the change. The treaty with France remains in force until one year after notice of the intention to abrogate it. You may argue that France might treat the enactment of the new Italian tariff, as notice of an intention to abrogate, *pro tanto*, the treaty of 1863. France may give immediate or postponed effect to such notice.

Italy may gracefully give us the same option, and we give effect to the notice as soon as our cargoes afloat have arrived.

It may at least be urged that the cargo of the Nazzarino, which arrived on the night of June 30, the day before the treaty took effect, should be admitted under the old tariff.

I am, &c.,

W. HUNTER.
Acting Secretary.

No. 240.

Mr. Marsh to Mr. Fish.

No. 385.]

LEGATION OF THE UNITED STATES,
Rome, October 28, 1871. (Received November 20.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 307, dated September 8, 1871, relating to the increased duties levied on petroleum imported into Italy, and will take an early opportunity of bringing the subject to the notice of the minister of foreign affairs.

I have no doubt that the minister of foreign affairs will personally be disposed to favor equitable action in this matter, but the question will be considered as properly belonging to the ministry of finance, which has hitherto not inclined to relax the strict letter of the law.

I do not suppose that the ministry has the power of re-imbursing the duties already paid in pursuance of the law of the last session, and, of course, if any relief is afforded, it can be given only by act of parliament. Legislation for this purpose is certainly possible, but unless recommended by the minister of finance, a bill for the relief of the complainants would meet with opposition on general grounds, and it would be strongly resisted by an influential class of persons, who think their interests have been seriously prejudiced by our duties on marble.

It is understood that a further increase of the duty on petroleum will be recommended by the minister of finance at the approaching session of parliament. If this proposal is adopted I hope it will not be so abruptly enforced as was the law of last session, and, in any event, it seems desirable that American dealers in this product should be advised in time, that new burdens are likely to be imposed on its introduction into Italian ports.

I am, &c.,

GEORGE P. MARSH.

No. 241.

Mr. Fish to Mr. Marsh.

No. 326.]

DEPARTMENT OF STATE,
Washington, December 11, 1871.

SIR: I inclose herewith a copy of a letter of the 8th instant, addressed to this Department by the Secretary of the Navy, requesting that the thanks of this Government may be expressed to the Italian officers therein named, "who have been specially mentioned as attentive and zealous in aiding and repairing the *Guerriere*." You are consequently instructed to comply with his request.

I am, &c.,

HAMILTON FISH.

*Mr. Robeson to Mr. Fish.*NAVY DEPARTMENT,
Washington, December 8, 1871.

SIR: I have the honor to return herewith dispatch No. 119, from Mr. W. T. Rice, United States consul at Spezia, which you were kind enough to communicate to me on the 6th instant, in relation to the completion of the repairs on the United States steamer *Guerriere* at that port, and to the generous disposition of the Italian naval authorities in extending every facility in their power for the prompt repair of our ships of war.

On the 8th of September last, in communicating to you a copy of a letter which had been addressed by Captain Stevens, commanding the *Guerriere*, to Mr. Marsh, United States minister to Italy, I took occasion to suggest that the thanks of our Government be conveyed to the Italian government for all the facilities and assistance extended to the *Guerriere* when that vessel grounded and was in such imminent danger. Since then the *Guerriere* has undergone extensive repairs in the government dock at Spezia, from which she was floated on the 14th of October last, ready for her voyage home.

Rear-Admiral Charles S. Boggs, in a dispatch to the Department under date of the 4th ultimo, informed it of the completion of the repairs to the *Guerriere*, and in a previous one, dated the 26th of August, a copy of which I had the honor to communicate to you, he alluded to the handsome manner in which Admiral Cerruti had responded to the necessities of that vessel when aground.

The Department has been and is deeply sensible of the kind acts of the Italian navy officers, and in a letter to Rear-Admiral Boggs, dated the 22d ultimo, requested him to thank them. It now remains for me to ask that the thanks of the Government may be expressed to the following-named officers, who have been specially mentioned as having been very attentive and zealous in aiding and repairing the *Guerriere*:

Vice-Admiral Cerruti, Rear-Admiral Isola, Captains Anthony Milore and Louis Merlin, Commandant Micheli, Lieutenants John Amoretti and De Leva, and Sub Lieutenant Rocca.

Very respectfully, &c.,

GEO. M. ROBESON,
*Secretary of the Navy.**Mr. Rice to Mr. Hunter.*

No. 119.]

UNITED STATES CONSULATE,
Spezia, Italy, November 13, 1871. (Received December 5.)

SIR: I have the honor to inform you that the repairs to the United States frigate *Guerriere* having been completed, the water was let into the dock, and she was floated on the 14th ultimo. She left the dock on the 16th of last month, and was towed into the gulf, alongside of the United States sloop of war *Shenandoah*. Captain T. Blakely Creighton, who had been ordered from the United States by the Navy Department to take command of the *Guerriere*, proceeded immediately to give orders to take on board all her guns, ammunition, provisions, and other stores, and to coal ship, and, under orders from Rear-Admiral Charles Boggs, commanding the European squadron, to proceed to Nice, France. The *Guerriere* left here the evening of the 2d instant. I have also to report the departure of the United States sloop *Shenandoah*, commanded by Captain

Clark H. Wells, on the 19th of October. I have also to report the arrival of the United States sloop of war Wachusett on the 18th of October; quarantined for two days; received pratique the 20th of October, and left the 25th of same month. It is my duty, as well as pleasure, to inform the Department in reference to the amount of work which has been executed within the naval arsenal at this place for repairing the frigate *Guerriere*, and for work done for other ships of our squadron. Vice-Admiral Cerruti and his successor, Rear-Admiral Isola, extended to us every facility within their power for a prompt reparation of our vessels. Everything was put at our disposition. There are four persons also who deserve from our Government thanks, at least, if not more, for services rendered:

Commendatore Mecheli, naval constructor at this place; Lieutenant De Leva, in charge of equipment and repair in this arsenal; Captain Miloro, who commanded the station war-steamer *Cambria*, and who went to Vada Rocks and assisted in getting the *Guerriere* off the rocks, and afterward towed her to Spezia, and Sub-Lieutenant Rocca, admiral's secretary and paymaster. I wish the State Department would kindly place this matter before the Navy Department, so that proper attention may be made to the uninterested exertions of these gentlemen.

I am, &c.,

WILLIAM T. RICE,
Consul.

No. 242.

Mr. Marsh to Mr. Fish.

No. 322.]

LEGATION OF THE UNITED STATES,
Rome, December 27, 1871. (Received January 18.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 326, relating to services rendered the United States ship *Guerriere* by officers of the Italian navy, and to inclose a copy of a note which, in fulfillment of that instruction, I have addressed to the minister of foreign affairs.

I am, &c.,

GEORGE P. MARSH.

Mr. Marsh to Visconti Venosta.

LEGATION OF THE UNITED STATES,
Rome, December 27, 1871.

SIR: As the best method of complying with the orders of my Government in relation to services rendered to the United States ship of war *Guerriere* by officers of the Italian navy, I have the honor to inclose you copies of a recent instruction on that subject from the Secretary of State of the United States, and of a communication from the Secretary of the Navy to the State Department.

I avail myself of the occasion to renew to you the assurance of my high consideration.

GEORGE P. MARSH.

The Noble Chevalier VISCONTI VENOSTA,
Minister of Foreign Affairs.

No. 243.

Mr. Fish to Mr. Marsh.

No. 333.]

DEPARTMENT OF STATE,
Washington, February 6, 1872.

SIR: I transmit a copy of dispatch No. 80, of the 11th ultimo, addressed to this Department by Mr. O. M. Spencer, consul of the United States at Genoa. This paper relates to the loss of the brig *Shamrock*

at that port, apparently occasioned, and certainly aggravated, by the conduct of the authorities there. You will make any further inquiry upon the subject which may seem advisable prior to presenting the subject to the Italian government, in order that the persons culpable may be made sensible thereof, and that other redress may be awarded.

I am, &c.,

HAMILTON FISH.

Mr. Spencer to Mr. Hunter.

No. 80.]

UNITED STATES CONSULATE,
Genoa, January 11, 1872. (Received February 3.)

SIR: Referring to my dispatch No. 79, I beg leave to transmit to the Department some additional particulars relative to the loss of the brig *Shamrock*, especially in view of the fact that it was in good part occasioned, in my opinion, by the culpable negligence, if not absolute indifference, of some of the port authorities.

It appears that the *Shamrock* hove in sight of Genoa about 2 o'clock p. m. of the 7th instant, and at 4 o'clock, when within six miles of the port, ran up her signal for pilot and tow-boat. There were two other vessels just ahead with their signals flying which were answered by the steam-tugs and towed in. The captain of the *Shamrock*, supposing they would return immediately, bore in for the entrance to the harbor. Afterward, seeing no attention paid to his signal and night approaching, he tried to "stay ship and wear her," but the wind "falling light," with a strong heavy swell in the direction of the land, he was obliged to steer "before the sea" for the harbor. Owing to a defective chart which does not represent the prolongation of the new mole, he mistook the entrance to the port and soon found himself drifting helplessly upon the breakwater. Though he at once let go the port anchor, the brig, owing to the violence of the surf, was soon thrown broadside upon the rocks. The captain forthwith lowered a boat in which himself and family, with the crew, were landed with some difficulty upon the mole. This was about half past 7 p. m.

On being conducted to the health-office, he requested permission to see the consul with the view of procuring a steam-tug and such other assistance as might be necessary to save the vessel and her cargo. The health-officers, who were cognizant of all the circumstances, instead of granting his request, ordered him into an adjacent room, according to the statement of the captain and mate, giving him to understand that he was to remain there until morning, while the remainder of the crew were permitted to go ashore and take up lodgings for the night in the city.

Meanwhile the captain of the port, who had been notified of the affair, proceeded as soon as practicable with a steam-tug to the spot, but finding the vessel, to all appearances, abandoned and a high sea running in, he decided that it was impracticable to attempt to save the vessel, and after stationing a guard to protect the property, he returned into port. It appears that the officer of this guard, at two different times during the night, attempted to communicate with the captain of the vessel, but was not permitted to do so.

The captain, on being released the next morning, proceeded at once to the consulate and notified the consul, who accompanied him forthwith to the office of the captain of the port, and from thence to the scene of the disaster. It was then about 9 o'clock. The breakers were dashing clear over the ship, and in about half an hour later the vessel went to pieces.

There were no lives lost. A small portion of the cargo was saved from the wreck. The vessel, I understand, was insured to the amount of about half her value.

I have, &c.,

O. M. SPENCER,
United States Consul.

No. 244.

Mr. Marsh to Mr. Fish.

No. 399.]

LEGATION OF THE UNITED STATES,
Rome, February 26, 1872. (Received March 26.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 333, dated February 6, 1872, in relation to the case of the American

rig Shamrock, lost at the entrance of the port of Genoa, a few weeks since. The case was reported to me by the consulate-general immediately after the loss of the ship. The statement of the consul at Genoa being unsupported by evidence, and not being as full and clear as seemed to me necessary, I requested further information and affidavits from the officers of the ship. These were furnished, but the testimony did not seem to me by any means conclusive against the health-officers of the port, and it left many points very insufficiently explained. At the same time I thought it very important that an investigation should take place before the crew of the vessel were dispersed, and I requested Mr. Wurts to prepare a note to the ministry of foreign affairs, asking an inquiry into the circumstances, and inclosing copies of the testimony received. To this note no reply has yet been received.

I am, &c.,

GEORGE P. MARSH.

No. 245.

Mr. Marsh to Mr. Fish.

No. 403.]

LEGATION OF THE UNITED STATES,
Rome, May 18, 1872. (Received June 5.)

SIR: I have the honor to inclose herewith a copy and translation of the reply of the minister of foreign affairs to a note respecting the loss of the Shamrock at Genoa, and a copy of dispatch from the consul at Genoa on the same subject.

The reply of the minister, it will be observed, takes no notice of the evidence submitted on the part of Captain Ray, nor does it detail that upon the other side on which the conclusions of the ministry of the interior are founded.

So far as the conduct of the health-officers is concerned, it seems highly probable that the difficulty arose from the want of any means of communication between those officers and Captain Ray, and it certainly appears singular that there should be no person capable of speaking a language commercially so important as English in the service of the health-officer at Genoa.

I had expected a somewhat different reply in regard to the conduct of the health-officer, having been led by the consul's letter of March 9 to suppose that officer's action in the case had been disapproved by the local authorities, but it is evident that Mr. Spencer must have been misinformed on that point.

It is probable that the government would furnish copies of the evidence before the commission of inquiry at Genoa, but I have not asked this, because it would in all probability be extremely voluminous, and would doubtless be in accordance with the conclusions of the ministry.

If further investigation is deemed necessary, I think the only judicious mode of pursuing it would be by the employment of counsel at Genoa. This would be a very expensive proceeding, and I do not think myself authorized to resort to it without special instructions to that effect.

I am, &c.,

GEORGE P. MARSH.

[Inclosure 1 in No. 403.—Translation.]

Mr. Peiroleri to Mr. Marsh.

ROME, April 24, 1872.

SIR: The minister of the interior, to whom I hastened to communicate the documents that you favored me with in your note of the 11th of February, has had an investigation made into the charges brought by Captain T. Ray, of the brig Shamrock, against the health-officer of the port of Genoa.

It results from this that all the crew of said vessel were admitted in free pratique on their landing at the Molo Nuovo, and every necessary assistance was lent them by the commissioner of Sanita Marittima. The captain and his family were received in his house, and afterward passed the night in that of the Capo Guardia di Sanita; and it is this act of charity that Captain Ray has endeavored to denounce as a detention imposed upon him. He was always left free to go to the city or to the ship. This liberty was made use of by the sailors, who went on board the ship the same evening, (of the week,) in order to take away their effects. It appears, besides, that Captain Ray showed little inclination to do anything, and only on the following morning commenced to interest himself in saving the ship and cargo.

From this it is conclusive that no fault can be found with the aforementioned health-officer, there being no ground for anything charged against him by Captain Ray.

In communicating the result of this investigation, in reply to your note on the subject, I have the honor to renew to you, Mr. Minister, the assurance of my high consideration.

For the minister:

A. PEIROLERI.

[Inclosure 2 in No. 403.]

*Mr. Spencer to Mr. Armstrong,*UNITED STATES CONSULATE,
Genoa, March 9, 1872.

SIR: I am in receipt of your dispatch of the 4th instant, with its inclosure from Mr. Marsh, relating to the Shamrock.

Referring to the same, I may say that the crew of the Shamrock were set at liberty after complying with certain formalities at the health-office, while the captain was detained, and, as he states, against his will. This to me is the most unaccountable feature of the whole proceeding, with regard to which I have failed to obtain any satisfaction, though I at once addressed a communication to the prefect and the captain of the port, giving a detailed statement of the case.

I understand that the captain of the vessel knew nothing of the release of the crew from the lazaretto until after they were gone, which will probably account for his having failed to send a message by one of their number to the consul or the captain of the port. One of the seamen, as already stated, spoke a little French, but after he left, the captain, in the absence of an interpreter, to which he was entitled, was unable to communicate with any one. I am not surprised that the statements as to time are somewhat vague, considering the circumstances. With regard, however, to the time when the captain of the port arrived at the scene of the disaster, he himself informed me that it was about 11 o'clock, the delay being occasioned by the fact that it was necessary to wait until one of the steam-tugs should get up steam.

I learn from the captain of the port that the investigation of the case has been concluded and a copy of the proceedings sent to the minister of marine. I also understand that while it severely censures the conduct of the health-officer it also attaches some blame to the captain of the vessel, on the ground that he declined the services of some boatmen who offered to move his vessel for the sum of three pounds sterling. I may state on behalf of the captain that this was before he realized that his vessel was in danger, and while he was waiting for a pilot and tug-boat.

The agent of the insurance companies informed me that he has reported the case to the underwriters and referred them to my official report to the Secretary of State, but that up to the present time he has received no instructions as to what course he is to pursue.

I am, &c.,

O. M. SPENCER,
United States Consul.D. A. ARMSTRONG, Esq.,
United States Consul-General.

No. 246.

Mr. Fish to Mr. Marsh.

No. 343.]

DEPARTMENT OF STATE,
Washington, June 10, 1872.

SIR: Your dispatch No. 403, of the 18th ultimo, relative to the case of the Shamrock, has been received. Upon consideration in connection with your No. 299, and with the dispatches of Mr. Spencer, the consul at Genoa, it is scarcely deemed advisable to ask for a copy of the testimony taken by order of the Italian government, or to set on foot judicial proceedings in the name of this Government. The captain, however, may bring suit against the officer by whom he may have been aggrieved, should he think proper to do so. Probably his cause of complaint, supposing him to have had any, was chiefly imputable to his ignorance of the language of the country. The authorities, it is true, may have been somewhat to blame for not enabling him by means of an interpreter to make himself understood. If, therefore, you should deem it advisable, you may make a representation at least upon this point to the minister for foreign affairs.

I am, &c.,

HAMILTON FISH.

No. 247.

Mr. Fish to Mr. Marsh.

No. 348.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia were made known to the government to which you are accredited, it might quicken and encourage the efforts of that Government to discharge its duty as a protecting power pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it as it were a cosmopolitan character in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of the Italian Government in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 248.

Mr. Wurts to Mr. Fish.

[Extract.]

No. 415.

LEGATION OF THE UNITED STATES,
Rome, August 14, 1872. (Received September 3.)

SIR: On the subject of your instruction No. 348, dated July 22, 1872, concerning the persecution of the Jews in the Danubian Principalities, I had yesterday an interview, in the absence of the minister of foreign affairs, with the secretary-general of that department.

He informed me that the Italian and British governments had already exchanged several communications relating to this grievance, which was an affair to be treated with great delicacy; that it would probably require to be brought before a convention of the protecting powers for settlement; but, even then, the very action taken for the amelioration of the condition of the Jews in those countries might, it is feared, have the opposite effect, on account of the jealousy of the people of any foreign interference.

* * * * *

The secretary-general expressed the opinion that the most efficacious action in this matter on the part of the Government of the United States would be through representations to the cabinet of St. Petersburg, whose voice among the members of the Greek Church, to which creed belong principally the persecutors of the Jews in those regions, would not be unheeded.

I left at the ministry of foreign affairs a copy of the instruction, which, the secretary-general assured me, will be referred to the minister on his return to the capital.

I have, &c.,

GEORGE W. WURTS.

No. 249.

Mr. Fish to Mr. Marsh.

No. 358.]

DEPARTMENT OF STATE,
Washington, October 10, 1872.

SIR: You are already aware that the tribunal of arbitration appointed agreeably to the provisions of the treaty of Washington of 8th May, 1871, concluded its deliberations and pronounced its final decision at Geneva on the 14th ultimo.

The tribunal was composed of five members, two appointed by the governments immediately interested in the questions submitted for its consideration, and three named respectively by the King of Italy, the Emperor of Brazil, and the President of the Swiss Confederation.

Dispatches this day received at this Department contain the record of the closing proceedings of the tribunal, and of its award. These dispatches bear witness to the industry and the high qualities with which the arbitrators pursued the investigation which was devolved upon them. The President appreciates most highly the obligation of the United States, in common with Great Britain, to the friendly governments which have rendered assistance in the determination of the grave

international questions that were at issue. This obligation has been enhanced by the high character and elevated positions of the eminent gentlemen named as arbitrators by those governments. The learning, the industry, the ability, and the impartiality which these gentlemen have displayed, have made a profound impression upon the President, and have not only contributed in an essential degree to the satisfactory conclusion of the pending questions in which two governments were interested, but must have a powerful effect in commending the principle of arbitration to the attention of the civilized world as an effective method of adjusting many international disputes hereafter. You are instructed to make known to the government of Italy this expression of the appreciation by the President of the friendly act of His Majesty the King of Italy in naming one of the arbitrators, and of the high character and eminent services of the arbitrator thus named by him.

The President requests that His Majesty's minister of foreign affairs will kindly convey to Count Sclopis his thanks, and will communicate to him the opinion entertained by the President of his character and services, not only as one of the arbitrators, but also in the delicate and arduous duties of presiding officer of the high tribunal.

I am, &c.,

HAMILTON FISH.

J A P A N .

No. 250.

Mr. Shepard to Mr. Fish.

No. 19.]

UNITED STATES LEGATION,
Japan, February 17, 1872. (Received April 1.)

SIR: His Majesty the Tenno, on Japanese new year, (February 10,) for the first time received the foreign representatives in a body. Congratulations were exchanged with his ministers, and through the prime minister the Emperor asked particularly after the health of the President.

Herewith I hand you copy of His Majesty's speech.

I am, &c.,

CHARLES O. SHEPARD,
Chargé d'Affaires ad int.

[Inclosure.—Translation.]

This is the first occasion on which I have given audience to you in celebration of our new year's festival.

High and low enjoy tranquillity, and all felicitate themselves on the happy occasion of the new year. Your countries have already celebrated the new year, and I am infinitely rejoiced to know that your sovereigns and the President are prosperous, and that their officials and people enjoy peace. I hope that we may long continue to enjoy the happiness of ever-increasing friendship and harmonious relations.

No. 251.

Mr. Shepard to Mr. Fish.

No. 30.]

UNITED STATES LEGATION,
Japan, April 13, 1872. (Received May 24.)

SIR: On the afternoon and night of April 3 the most disastrous fire within the memory of its inhabitants occurred in the city of Yedo. The space over which the fire passed was fully four miles by two, the number of houses destroyed not less than 6,000, and the number of persons rendered homeless nearly 50,000. Seventeen government offices and sixty temples or places of worship were destroyed. The loss in property is comparatively slight, as the buildings were small and of cheap material.

Diminutive fire-proof mud houses, called "godowns," from 18 to 24 inches in thickness, are attached to nearly all stores, and in these valuables are generally placed in case of fire. Upon this occasion they were particularly serviceable, and now stand like tombstones in a cemetery. the only monuments of the past.

Rice is served out daily by the government, and steps are being taken to rebuild in a more substantial manner.

Probably not to exceed sixty lives were lost, but it is a disaster for Yedo only equaled by the tidal wave of 1854.

I am, &c.,

CHARLES O. SHEPARD,
Chargé d'Affaires ad int.

No. 252.

Mr. Shepard to Mr. Fish.

No. 46.]

UNITED STATES LEGATION,
Japan, June 16, 1872. (Received July 22.)

SIR: On the 14th instant I had the honor of presenting Rear-Admiral Jenkins to His Majesty the Tenno, and although the occasion itself presented no unusual features the circumstances were peculiar, and bringing me, as they did, at variance with my English, French, and Russian colleagues, I feel it my duty to give them in brief.

On the 24th ultimo, Mr. Watson arrived in Japan, and relieved Mr. Adams as Her Britannic Majesty's chargé d'affaires. About the same time Mr. Butzon arrived as Russian chargé d'affaires, as did also the French admiral. It has been the custom of this court to receive chargé d'affaires and admirals, and the days for the receptions of the English chargé d'affaires, Admiral Jenkins, the French admiral, and the Russian chargé d'affaires were all set in the order I have just named, with but a day or two between each.

Upon arranging the details, Mr. Watson found that the Tenno would receive *sitting*, to which he at once took exceptions. The Tenno declined to stand, saying that he received chargé d'affaires and admirals only as a matter of courtesy, and that he could not be dictated to concerning the manner. He claimed that Japanese and foreign customs differed, and that while, for instance, in America and Europe it was courtesy to *uncover* the head, in Japan it was etiquette to *corer* it. Mr. Watson declined a presentation except the Tenno stood, and ap-

pealed to the French and Russian *chargés d'affaires* and myself to support him. These gentlemen deemed it proper to comply. I saw it my duty quite in the opposite direction. I only asked that Admiral Jenkins and myself be received as others *had* been and *would be* received. I claimed that foreign representatives had no right to demand a change of Japanese customs, and that *intention* should determine a courtesy or lack of courtesy. I deprecated the forcing of strict etiquette upon this people, as interpreted by an European court, and thought it better to suit ourselves to circumstances, and make allowances instead of seeking for points of dispute. With my opinions and support the minister for foreign affairs expressed himself delighted, and the audience was arranged as usual.

While in the waiting-room, the day of the presentation, I was informed that so pleased was His Majesty with my friendly actions that he had determined to receive me standing, assuring me that it was done as a particular mark of gratitude and friendship, and that in doing so he did not commit himself to future action. The other audiences spoken of have not yet taken place; hence, how they will be received I cannot say; but be that as it may, through kind words a courtesy has been *offered* me which threats and demands were impotent to effect.

I have, &c.,

CHARLES O. SHEPARD,
Chargé d'Affaires ad int.

LIBERIA.

No. 253.

Mr. Turner to Mr. Fish.

No. 18.]

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, October 25, 1871. (Received Nov. 27.)

SIR: Notwithstanding the official dispatch conveying to me the information that "a revolution exists in Liberia" bears date the 23d of October, it has but this moment been forwarded to me. The immediate departure of the mail steamer precludes the possibility of any statement from me by this mail other than that set forth by the inclosed correspondence.

I have, &c.,

J. MILTON TURNER.

[Inclosure No. 1.]

Mr. Lewis to Mr. Turner.

DEPARTMENT OF STATE,
Monrovia, October 23, 1871.

SIR: By direction of the President I have to inform you that on the night of the 22d instant a round of grape-shot was fired into his mansion, and that a public meeting, held in this city this day, has requested him to resign his office of President immediately.

Your excellency will readily observe, without further remarks from me, that a revolution exists in Liberia.

I have, &c., &c.,

JOHN LEWIS,
Secretary of State

[Inclosure No. 2.]

*Mr. Turner to Mr. Lewis.*LEGATION OF THE UNITED STATES,
Monrovia, Liberia, October 25, 1871.

SIR: Your official communication bearing date October 23, and conveying to this legation information to the effect that the residence of his excellency E. J. Roye, President of Liberia, had been fired into with "a round of grape-shot," and that a public meeting had been held "in this city" on the 23d instant, the action of which was to request his excellency the President to resign his office as President, and calling my official attention to the fact that a "revolution now exists in Liberia," is received. In reply, I beg most respectfully to state that the policy adopted by the Government of the United States toward other governments whose subjects were in a state of rebellion is that of strict neutrality. I therefore do assure you, sir, that in pursuance of said policy, my official conduct toward the government of Liberia, and the citizens thereof, during the existence of the "revolution" referred to in your dispatch, shall be exclusively controlled by those international laws laying down the course proper to be pursued by neutral powers in such cases.

With sentiments of esteem, I have, &c., &c.,

J. MILTON TURNER

General J. M. LEWIS,
Secretary of State.

No. 254.

Mr. Turner to Mr. Fish.

No. 19.]

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, Oct. 30, 1871. (Received Dec. 12.)

SIR: I have the honor to report with reference to my dispatch No. 18, conveying to the Department of State information of the existence of a revolution in Liberia, that the circumstances giving rise to that official declaration by the President of Liberia are, as near as I can ascertain them, about as follows:

During the legislative session of 1868-'69 the friends of Hon. James S. Payne, then the President of this country, with the desire to extend his term to four instead of two years, petitioned the national legislature, requesting that body to submit to the people a proposal to so amend the constitution as to increase the presidential and representative terms of office to four instead of two years. The legislature acquiesced in the request of the petitioners and voted to submit the proposal to amend; it seems, however, that the people were indifferent as to the fate of the amendment. The vote for and against was comparatively meager, standing 350 for and 2 against amending the constitution. I am informed that the official record will show this vote to have stood as above stated, but as to the accuracy thereof I am uninformed. At all events, the house declared the constitution amended, and the senate declared that it was not. Upon the occurrence of this disagreement, it was decided by the legislature to resubmit the proposed amendment to the constitution. Subsequent to the second submission thereof it seems to have been impossible to procure the necessary two-thirds vote of both houses for a determination of the count of the vote. The speaker of the house and president of the senate were deposed, and thus a vote declaring the constitution not amended was secured. The bill making this declaration was vetoed by his excellency E. J. Roye, which gentleman had been elected to the presidency as a result of the election to which the amendment was originally submitted. President Roye, as a result

of the second failure of the legislature to agree as to the fate of the amendment, assumed that the constitution was not only amended, but that it was amended by the vote of the election to which it was at first submitted, and that he was, therefore, president for four instead of two years, and proceeded to proclaim accordingly. Incited by this action of the president, the legislature issued what is known in this country as a "declaration" to the effect that the constitution was not amended; and, therefore, President Roye was not elected for four years.

Thus the legislative and the executive branches of the government became opposed to each other. If the organic system was not amended at either of these elections, then the regular period for the election of President would have occurred in May of 1871. Therefore, those that favor the declared opinion of the legislature proposed the usual presidential election, and proceeded to nominate Ex-President J. J. Roberts. President Roye declared there could be no election at that time, the constitution, agreeable to his opinion, having been amended. The party claiming that the organic law was amended refused to enter into this presidential election; as a consequence, all the votes cast were in favor of Hon. J. J. Roberts. Immediately subsequent to this election Hon. J. J. Roberts left this country to spend the summer months in England. Meantime President Roye, remaining in the country, labored to convince the people of the correctness of his views, and to establish the realization of the issue upon which he had been elected, to wit, "the securing of a loan, with which to redeem the currency of the country, and thus furnish the people with a circulating medium, which they have not had for years."

Now, to come within my own official observation and experience, President Roye claims to have, and publishes that he has, accomplished the successful negotiation of a loan in favor of the Liberian government upon the markets of England, amounting to \$500,000. This statement or publication seems rather to have increased than to have decreased the unpopularity of President Roye's administration. He, about two months ago, first affirmed the accomplishment of the loan. From that time until the present the party opposed to his views has steadily increased in numbers and determination. They at one time became so resolute that they compelled the attorney-general to leave the capital under threats of death if he should return. By reference to one of my former dispatches, the Department will remember the assassination of the postmaster-general, claimed by the government to have been committed because of his fidelity to the administration. Two men, besides, have been shot, the last in retaliation for the death of the first. Upon the 22d day of this month, Hon. J. J. Roberts returned from his visit to England, on which occasion he was received by the anti-administrationists with a salvo of twenty-one guns, a dinner, and other demonstrations of public honor. Upon the evening of that same day, or rather during the night thereof, a cannon loaded with grape-shot was fired into the residence of President Roye by unknown parties. The charge, striking the building about the second story, passed through his rooms of reception, through his own and his children's bed-rooms. A portion of it passed out through the roof. Nine of the shot were found in the rooms, and shown to me by the President. Meetings were called by the citizens of Monrovia, and held in this place on the 23d and 24th days of this month, with the avowed purpose of determining the best course to pursue with reference to securing the greatest safety to the country. At the meeting of the 24th resolutions were passed requesting the President to resign his office

without delay, and condemnatory of the firing of a cannon into the residence of said gentleman.

Neither of those meetings has taken any steps to discover the perpetrators of the deed, or to prevent the recurrence of the same, nor the occurrence of a similar act. The committee appointed to acquaint the President of the desire expressed by the meeting received in reply a positive refusal to resign. Upon hearing the report of the committee, the meeting accorded to the President one hour during which to inform the citizens of Monrovia at what time he would resign. As a result of the second visit of the committee to the President, the meeting received the promise of President Roye to resign on Thursday, the 26th day of October. This intelligence seemed satisfactory to the people of Monrovia.

During the interval President Roye declared the country in a state of revolution, much to the exasperation of those who favored his resignation. On the morning of the 26th October President Roye, without having complied with his promise to resign, attempted by stealth to effect an escape from the country, on board an English mail-steamer then lying in this harbor, but was apprehended and arrested by an armed guard, stationed at the landing in anticipation of the President's attempt to escape. The guard was ordered to return him to his residence. A meeting of the citizens of Monrovia was immediately called, which meeting passed a resolution summarily deposing the President and the several heads of governmental departments, and creating a provisional government to assume the charge of matters, until the arrival of the vice-president, which latter gentleman, it seems, was impeached for maladministration during the last session of their legislature, and is awaiting trial by the legislature, to be assembled next December.

Thus matters stood until the 28th day of October, when a writ was issued, of what nature or by whom I do not know, for the apprehension and arrest of the deposed President, his secretary of state and secretary of the treasury. Not being acquainted with the nature of the charge preferred against these gentlemen, I assumed the liberty of being present during a part of the preliminary examination, and thereby discovered the fact that the charge is based upon the fact that the President is accused by the provisional government of having drawn, before deposal, and of retaining in his possession since deposal, money and drafts in favor of the Liberian government against the English loan to the amount of \$75,000. The result is that the President was held to \$20,000 bail, and each of the other gentlemen \$7,500, in default of which the three gentlemen are now closely imprisoned, under the surveillance of an armed guard. I have omitted to state that if not thus deposed, the official term of President Roye would have expired the 1st of January, 1872. I have the honor to inform the Department that in all this matter I have been careful to adhere closely to a "*strictly neutral*" attitude.

Venturing to hope that the Department will consent to accept the peculiar situation of affairs in this country as my apology for the great length of this dispatch,

I have, &c., &c.,

J. MILTON TURNER.

No. 255.

Mr. Turner to Mr. Fish.

No. 20.]

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, Nov. 1, 1871. (Received Dec. 12.)

SIR: Inclosed please find correspondence between this legation and the "provisional chief executive committee" now administering the affairs of government for the republic of Liberia.

I have, &c..

J. MILTON TURNER.

[Inclosure No. 1.]

*Mr. H. Johnson to Mr. Turner.*DEPARTMENT OF STATE,
Monrovia, Liberia, October 28, 1871.

SIR: I have the honor to acquaint your excellency that the sovereign people of Liberia having, on the 26th day of the present month, deposed President Roye, the government of Liberia will be provisionally conducted by a chief executive committee and the chiefs of departments, until the arrival at the government of the vice-president of the republic.

I beg to inclose herein a copy of the manifesto issued by the provisional government under date of October 27, instant.

I am, &c., &c.,

H. R. W. JOHNSON.

[Inclosure No. 2.]

MANIFESTO.

The sovereign people of the republic of Liberia, while recognizing the principles that all government is formed for the welfare of those who compose it; that all power is inherent in the people; and that "whenever the conduct of those to whom it has been delegated begins to bring about disorganization and ruin, it is the right of the people at once to resume their delegated power," are, nevertheless, inclined to state the motives which have prompted them in adopting an unusual course. They, therefore, set forth:

That the unconstitutional acts of President E. J. Roye have been calculated to tyrannize over the free people of the republic, and bring ruin upon the country.

President Roye has, contrary to the constitution, proclaimed himself President for four years, although elected for only two years.

When the legislature of the republic, by its vote of January last, declared that the constitution had not been amended so as to lengthen the presidential term to four years, he has, by proclamation, forbidden the usual biennial election to be held, and ordered his officers to prevent the citizens of the republic from exercising their constitutional privilege of holding an election.

He has threatened with death those who might be thus disposed to exercise their right as citizens.

He has distributed arms and munitions of war, and has not ceased his efforts to procure armed men to crush the liberties of the people.

His efforts to perpetuate his incumbency, in violation of the constitution, and against the will of the people, have been the occasion, in one or two instances, of the destruction of life and property. Those efforts have, moreover, manifested themselves in bribes, tending to corrupt the people, and to ingraft on their political life evils which, if allowed to grow, will destroy the nation.

He has "ruptured and broken the friendships of years, and made wounds that may never be healed in the life-time of this generation. The beautiful banks of the St. Paul's, where peace and industry once plied their busy hands, have been bristling with the bayonets of men ready to take each other's lives."

He has contracted a foreign loan, contrary to the law made and provided, and, without an act of appropriation by the legislature, he has, with his officers, been receiving the proceeds of that loan.

He has ignored a fundamental principle of the constitution making the executive legislative, and judicial departments of government distinct and separate. He has appointed to an executive office a citizen clothed with senatorial power. Invading the courts of justice, he has assumed to dictate the selection of jurors, thus interfering with the even-handed justice of the judiciary.

Every effort to induce him to desist from his unconstitutional course has been unavailing. Threats and entreaties have been alike lost upon him. He has turned a deaf ear to the remonstrances from all the counties of the republic.

When the people have risen in their might, he has, upon the entreaties of his friends, given his written promise to resign at an appointed time; but, regardless of that written promise, he has declared the people in a state of rebellion, and attempted to escape to foreign countries, with the officers of his government, clothed with their full power, in order to wield against us in other lands a power which at home he had employed in vain to crush the liberties of the people.

The forbearance manifested by the people, far from having a tendency to cause the President to desist from his tyrannical course, was only complicating the difficulties and protracting the struggle between the President and the people. Firmly convinced by his utter disregard of promises that, so long as President Royce occupied the presidential chair, he would not cease his efforts to perpetuate his incumbency, and knowing that he was daily expecting means to enable him to triumph over the people; knowing moreover that, "when a people have failed to act in a prompt and energetic manner, they have lost their liberties, and not unfrequently their lives and property;" and fearing that it might be fatal to await the assembling of the national legislature, the people decided to act at once in the matter: Therefore,

On the 26th day of October, in the year of our Lord one thousand eight hundred and seventy-one, and in the twenty-fifth year of the independence of the republic, the sovereign people of Liberia did, by their resolutions in the city of Monrovia, joined to the resolutions from the other counties of the republic, depose President E. J. Royce from his high office of President of Liberia; and did decree that the government shall be provisionally conducted by a chief executive committee of three members and by the chiefs of departments, until the arrival of the constitutional officer at the seat of government.

The sovereign people of Liberia, while deploring the one or two instances of the destruction of life and property, nevertheless console themselves with the fact that, with the exceptions already named, the important step which they have taken has not been attended with the shedding of the blood of the citizens and the tears of widows and orphans. And with grateful hearts they bow before the God who rules the destinies of nations and who has assisted them to avert from their country the sad calamities that have not unfrequently attended such proceedings in other lands.

Given under our hands and the seal of the republic, in the city of Monrovia, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and seventy-one, and of the republic the twenty-fifth.

C. B. DUNBAR,
R. A. SHERMAN,
AMOS HERRING,

Chief Executive Committee.

By the chief executive committee:

H. R. W. JOHNSON,
Secretary of State.

[Inclosure No. 3.]

Mr. Turner to Mr. Johnson.

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, October 30, 1871.

SIR: I have to acknowledge the receipt of your dispatch bearing date October 28th and addressed to "his excellency the United States minister resident," and conveying information to the effect that on account of the deposal of "President Royce," "the government of Liberia will be provisionally conducted by a chief executive committee until the arrival at the seat of government of the vice-president of the republic."

In reply, permit me to re-assure the government of Liberia that the policy of strict neutrality with reference to any internal disturbances that may now exist within the republic of Liberia will be strictly adhered to by the Government of the United States. Please accept the indebtedness of this legation for manifesto inclosed in your dispatch.

I have, &c.,

J. MILTON TURNER.

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No. 256.

Mr. Turner to Mr. Fish.

No. 34.]

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, Jan. 24, 1872. (Received Feb. 27.)

SIR: I have the honor to acquaint the Department with the fact that Hon. J. J. Roberts was inaugurated President of the republic of Liberia on the 1st day of January, 1872. The term of office for the President is two years, and this is the fifth time that his excellency President Roberts has been elected President of Liberia. The occasion seemed one of general interest; quietude prevailed; persons from all sections of the country were present. Having been unable to procure a manuscript copy of the President's inaugural address, I am forced to forward by this mail printed copies thereof.

I avail, &c.,

J. MILTON TURNER.

No. 257.

Mr. Turner to Mr. Fish.

No. 35.]

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, Jan. 24, 1872. (Received Feb. 27.)

SIR: I have the honor to convey to the Department a knowledge of the fact that his excellency President Roberts granted the several members of the diplomatic corps now near the government of Liberia an audience on the 15th day of January, 1872, at which time I received satisfaction in being formally received or acknowledged by the President. Inclosed please find copy of assurances offered by me upon that occasion.

I have, &c.,

J. MILTON TURNER.

[Inclosure.]

Mr. Turner to Mr. Roberts.

JANUARY 15, 1872.

I have the honor, in the name of the Government of the United States, now to approach your excellency, for the purpose of congratulating the republic of Liberia upon your excellency's attainment, for the fifth time, to the chief executive, and therefore the most responsible position in the gift of your countrymen. I avail myself of the occasion to renew assurances of the sincere desire on the part of the Government of the United States, in all directions consistent with the honorable dignity of the two governments, to strengthen and increase the real friendship and happy correspondence now so happily subsisting between the governments of the two countries, and again to acquaint the government of Liberia of the earnest desire of the Government of the United States for the prosperity of your republic. Having been specially intrusted by His Excellency the President of the United States, by and with the advice and consent of the honorable the Senate thereof, with the responsible duty of contributing to the perpetuity of these important relations, I find great pleasure in being able to assure your excellency that during my official residence near the government of your country it shall be my sincere object and profound pleasure, to the best extent of my capacity, to discharge the duties of my important trust. I shall find in the sameness of the

organic systems of the two governments, together with the similarity of many of the customs of the two peoples, facilities that will tend greatly to simplify and aid the prosecution of my duties. Although largely appreciated by me, I am happy to assure your excellency that these influences cannot in the least affect my consistency of conduct, nor abate my official zeal for the welfare of the two countries. I do not refrain from here making reference to a truth. I am by no means callous to the fact that my station places me officially between two of the most remarkable characters of the nineteenth century; one of whom is no less distinguished for marked justice and great practical comprehension in his administration of the affairs of the Government of the United States than for that peculiar talent which makes him "first military captain of the century;" the other called by the independent suffrages of his countrymen from the retirement of age to preside on the affairs of the government of his country the fifth time within two and a half decades. For this latter circumstance, I think, there can be found no parallel in the history of democratic institutions. I prefer to close this effort by rehearsing in your excellency's hearing the benediction pronounced in my letter of credence, now on file in the archives of the department of state of the government of Liberia, by your excellency's good friend Ulysses S. Grant, President of the United States:

"And I pray God always to have your excellency in His safe and holy keeping."

— — — — —
No. 258.

Mr. Turner to Mr. Fish.

No. 45.]

LEGATION OF THE UNITED STATES,
Monrovia, Liberia, May 25, 1872. (Received July 8.)

SIR: I have the honor, now that, after thirty days, more or less, of careful observation, I am convinced that the desire and effort of the present administration is to introduce and cultivate, as between the disagreeing political factions, a conciliatory and conservative policy, to report to the Department the present aspect of public affairs in Liberia. I therefore prefer at this time to enter briefly upon an exposition in a general synopsis of the national capacities, present condition, and future prospects of Liberia.

This republic occupies about six hundred miles of that part of this coast so universally admitted to be better adapted to the rapid progress of civilization than any African territory north of the equator and south of the southern boundary-line of the great desert of Sahara.

By some whose wide experience upon this coast well qualifies them for a reliable opinion, the Liberian territory is pronounced the most desirable of any portion of West Africa.

With reference to the national capacities of this country, enough has been said by other and abler persons to render any attempt of mine in the same direction but a repetition of well known and widely circulated statements.

Perhaps, however, the Department will not weary with the mention of such of those facts as will form a sufficiency for my present purpose.

The entire western boundary-line of Liberia lies along the east shore of the Atlantic Ocean, and possesses numerous harbors which, agreeable to the usually expressed opinions of experienced navigators, are not the most superior, but, when taken comparatively, are found to be slightly above mediocre.

The usual placidity of the Atlantic waters on this coast renders these harbors free from risk or danger. The interior presents a country as picturesque in appearance as it is inviting in all its aspects; a fine undulating region, abounding in streams and rivulets, and said by those who have traveled extensively interiorward to be quite salubrious and

healthful, being comparatively free from the deadly influence of the miasma arising from the thick mangrove-swamps near the coast. Thus far, from a great want of proper appliances for pushing settlements to the more healthful interior, civilization has remained along the coast. Means of transportation are purely primary; therefore settlers have felt compelled to forego the occupancy of the (in some parts) seventy-five miles of interior Liberian territory, and locate upon the rivers near the coast and emptying into the ocean, that they might be able in their canoes to reach the sea-board with such productions as are intended for exportation. Although there are numerous rivers, nature has, by leaving them unnavigable, decreed their uselessness except for watering and fertilizing the soil, &c.

But two Liberian rivers are navigable, even for small boats, the St. Paul and the Cavalla, the former about twenty-five and the latter about seventy-five miles.

Liberia possesses all the natural facilities peculiar to most other tropical countries; perhaps in some respects it possesses natural advantages superior to most others. I know it will be urged by some that this multifarious liberality of nature tends rather to the promotion of indolence than to the encouragement of industry, but it is quite sufficient for the purposes of Christianity and successful empire that no country better compensates industry, especially the labor of the farmer, than does Liberia. It seems almost unnecessary to pronounce this soil prolific, extremely rich, and seemingly inexhaustibly productive.

The voluntary productions of the soil are almost fabulous. The palm-tree, that widely celebrated benefactor to man in tropical climes, is here in great abundance, and volunteers a utility that I have frequently thought approximates to indispensableness to both the native and the Americo-Liberian. Growing without cultivation, it supplies the lard, soap, butter, and a wholesome beverage known as palm-wine, for domestic uses, while palm nut and oil furnishes the principal staple for exportation. The cocoa, the bamboo, the pine-apple, the mahogany, the banana, the cam-wood, the orange, the barn-wood, the Calibar bean, the lime, (sweet and sour,) the sycamore, the black-gum, the custard-apple, the mangrove-plum, together with a wide additional variety of fibrous and other trees of generous utility, grow voluntarily in profuse abundance and with great vigor.

The cultivation of the coffee-tree has been attempted within the last twenty years, and with great comparative success. This tree reaches its maturity here in much shorter time than in some other countries. I have discovered, by consultation with good authorities, that the coffee-tree in some countries is from six to seven years attaining mature growth. I am credibly informed that when properly cared for it matures in Liberia in an average time of from three and a half to five years.

The average annual yield of a well-attended coffee-tree is from four to six pounds. Notwithstanding the admitted superiority of Liberian coffee, consequent upon the adaptedness of the soil to coffee-growing, in this as in all things else, Liberians are sadly in want of modern facilities, and therefore find it difficult to prepare the berry for market. Like the Mocha in other countries, the coffee-tree in Liberia needs not the benevolent shades of other trees that it may thrive, but grows vigorously when exposed to the direct rays of the sun.

During the late disturbances in the United States the raising of cotton on a not very extensive plan was attempted by Liberians, and the fact established that very superior cotton can be produced from this soil and climate.

Sugar-cane is abundant, and thrives as finely as in southern United States.

Two crops of corn may be produced in a year. In fine, we find here the most profuse luxuriant vegetation.

We observe at once that species of plants, the broadness and plentifulness of whose leaves indicate a sufficiency of exuberant humidity: shrubby, the profusion and rich utility of whose gums, spices, and aromata, together with table-vegetables, (native of more temperate climes,) the hardihood of whose growth bears testimony to the variegated natural capacities of Liberian soil.

With reference to the mineral capacities of Liberia little is known: however, it is certain that iron of good quality exists in large quantities.

Hon. H. R. W. Johnson, secretary of state, informs me that the presence of gold is also a certainty.

The principal domesticated animals are the bullock or beeve, cows, sheep, geese, turkeys, ducks, and chickens.

Like all equatorial climates, that of Liberia does not experience the vicissitudes of the four seasons, but the year is arbitrarily divided into but two seasons, the rainy and the dry, or, in the Liberian parlance, "the rains and the dries." This peremptory division of the year has doubtless led many erroneously to suppose that in this country we are called to endure six months of uninterrupted rain, and six months of hot and dry weather in every year, but so far is this impression erroneous that in almost every month in the year there falls here some rain, and, on the other hand, we are allowed some pleasant days in every month in the year.

Liberia, in common with all the western coast of Africa, claims the foreigner from the temperate zone as a proper subject for that singularly treacherous disease, "African fever." This fever is the great barrier to the native of the temperate zone. It is well understood that the physical system of every individual who removes from a temperate into a tropical climate must undergo a change. In this climate the life of such persons depends by far more upon the organic or constitutional peculiarities of the individual, the previous habits, and lingering or chronic diseases—the condition with reference to comfort or discomfort in the country, and especially upon the state of the mind, in regard to calmness or irritability, contentment or dissatisfaction, than upon any prescribed form or method of medical treatment. From what, I have experienced and been able to learn, I feel convinced that nearly 40 per cent. of those entering this climate under the above circumstances, from some one or other, or possibly from several of the above causes, or from a combination of the whole, die during the process of acclimation, from three months to thirty-six months. The African fever is remarkably varied in its several forms of appearance or attack, and utterly baffles successful description during this the period of its average existence. Its outlines may be in some cases pronounced an intermittent, in others a remittent form. In addition to the usual coast or African fever, one will occasionally meet with cases resembling other kinds of fevers, which are usually described in medical books; but these are generally not sufficiently marked to justify distinctive arrangement. Rheumatism, both acute and chronic, occasionally occurs, but never very violent. Dropsical affections are quite frequent, especially dropsy of the cellular membrane beneath the skin. Dropsy of the abdomen sometimes occurs, in consequence of enlargement of the liver or spleen after severe or protracted attacks of fever.

The natives are frequently troubled with diseases of the skin known as "craw craw," "ƴaw," and sometimes leprosy. Cleanliness of habit is regarded as a preventive of disease of the skin. White persons are thought to be more subject to ulcerous, as well as to most other diseases of the climate, than black persons.

Some other diseases common to most countries are occasionally met in Liberia, but the variety is smaller than in the United States, and, except in chronic cases, or much weakened organisms, convalescence in cases of attack by such diseases seems much more rapid. The weather in this climate never reaches very great heat. The average extreme thermometer state is generally set down at 65° and 90°; the average height of the mercury during the rainy season about 76°, and during the dry season about 84°; mean temperature for the year at about 80°.

In regard to comparative healthiness of the two seasons, the rainy season is thought most conducive to health.

This is a short synopsis of the climate and natural capacities of that part of the West African coast chosen by expatriated Americans for the purpose of planting upon these shores of Fatherland the banner of untrammelled manhood, and of spreading among their still benighted brethren the softening influences of Christian light and love.

I deem it unnecessary to say to the Department that there can be no radiating force so potent in the civilizing and Christianizing Africa as a Christian commonwealth, a religious negro nationality, under the auspicious control of democratic institutions of government.

Whatever may be the present condition of affairs in the republic of Liberia, it must be admitted that Liberia has been signally instrumental in assisting to create upon this coast what is destined soon to be the permanent confluence of Christian civilization and heathenish superstition. It is now one-half century since, aided by Christian philanthropy, those forming the germ of what is now the republic of Liberia rested their traveled feet upon this territory, and about two and a half decades since, forced by increased responsibilities and growing interests, Liberia emerged from the colonial crucible into the more healthful atmosphere of national independence. From the beginning the people of Liberia zealously gave themselves to the attainment of the objects of their mission. They not only planted the asylum they sought to found, but essentially aided in the effectual suppression of the slave-trade along their coast, and proved auxiliary to the propagation of Christian truth among the aborigines within their territory. They have framed the outline of a system by which to govern themselves.

In the four counties of Liberia there are in embryo thirteen towns or villages, several of which (especially the capital) are incorporated and enjoy municipal laws.

The republic of Liberia is now in treaty relations with the governments of England, France, North German Union, Holland, Hayti, Portugal, Austria, Italy, Denmark, and the United States. Liberia usually keeps diplomatic and consular representatives near the governments of Great Britain, France, Holland, Belgium, Spain, Hamburg, Hayti, and the United States, and is at this time honored with diplomatic or consular representatives from the governments of Hayti, North German Union, and the United States.

The political parties of Liberia are at present classed under two heads, to wit: Those opposed to the erasure by amendment of that provision in the constitution excluding white persons from citizenship, and from acquiring ownership of real estate in Liberia, and who favor the relief of the nation's financial embarrassments by means of foreign loan. This class

or party composed the principal supporters of the late administration. Their opponents favor the removal or erasure by amendment of the above restrictions from the constitution, but are opposed to all foreign loans, and propose to relieve financial embarrassments by general removal of restrictions from ports of entry as well as from the organic system of the nation. By such a course they hope to induce the voluntary entrance of foreign capital into the country, the presence of which they argue would encourage commerce and give impetus and ultimate relief to the finance of the Government.

The latter party forms the principal supporters of the present administration.

These issues, however, were not more than ostensibly apparent in the campaign from which the recent political disturbances took origin. The immediate cause of those disturbances is to be found in the fact that the friends of the late administration held the constitution amended so as to extend the existence of said late administration to four instead of two years. Upon the other hand, the supporters of the present administration pronounced such views unconstitutional, and the attempt to enforce them treasonable; hence the late impeachment and other trials, as described by me in former dispatches.

* * * * *

In larger and more mature governments the recent difficulties experienced in Liberia would have had little or no palpable effect upon channels of industry or the usual quietude of citizens, but in all small and immature governments, especially those whose organisms are democratic, the conscious individual and collective sovereignty of the citizen brings them into such close intimacy that they not only assume a domestic appearance, but might frequently be classed as national families.

Liberia has not proved an exception to this general rule. Already might be noticed the positive want of social confidence that, if encouraged, would have led to the disintegration of society itself. The apprehension of those engaged in the several business and professional pursuits was plainly noticeable. Some declared their intention to quit the country; others have gone. In the palmyest days the condition of the laborer in this country does not seem to me an enviable one. Male labor, for natives, rates from \$2 to \$4 per month, and for the expatriated Americans, from \$4 to \$10 per month.

Labor is seldom paid for in money, but in trade goods, such as tobacco, salt, fish, &c.

I may add, dry-goods, or any article of ordinary necessity, is procurable for labor. Thus during the effect of these troubles the sufferings of the laborer will be keenly perceptible. I regret to say that at no period of Liberia's history does agriculture seem to have been extensively engaged in. This is especially true, notwithstanding the great agricultural resources of the country, and the unflinching remuneration of this evil, together with the fact that Liberia has unquestionable facilities for and aspires zealously to be a commercial nation.

Those having any comparative competency in this country have principally all acquired the same by pursuing the course of the first settlers, who, in their early day, for many reasons, found it necessary to gain a livelihood by engaging in barter between the native African and the foreign trader. Their posterity seem not to realize the fact that more have sunk from view in thus attempting to follow in the wake of their commercial predecessors than have risen to affluence, or even comfortable financial competency.

Agriculture was much neglected, and the effect of such neglect is beginning to be felt in the increase of the price of the cassada, (the potato of this country,) the scarcity of which has caused an advance of 50 per cent. Rice, a principal domestic staple, is also very scarce.

The financial policy of Liberia seems for many years to have been signally unfortunate. The government has no coin medium of circulation, save the ordinary copper cent. It has therefore been deemed necessary in emergencies to place in circulation a currency which the government promised to redeem with gold. Those issues have long since reached a sum beyond the government's capacity to redeem. President Roberts in his "inaugural address" complained that the expenditure of the government had been much greater than its income, and, during a conversation held not long since, the President informed me that the government of Liberia would be able to realize scarcely £30,000 of the recent loan.

The President appeared deeply impressed that the government of Liberia had been deeply wronged by those having had charge of matters pertaining to the negotiation of said loan.

We must look for the underlying cause of many of these adverse surroundings to the sad fact that the meager attention given to educational interests is decidedly inadequate to the demand of this people's absolute necessities.

We must infer from the existence of unexecuted statutory laws that this neglect of educational interests is caused by want of public funds with which to procure adequate facilities, rather than by absolute disinterestedness.

The schools of Liberia, and the churches also, are almost if not altogether supported by foreign philanthropists. There is in this country, situated at Monrovia, one college in which the ordinary courses of modern and classic studies are taught. This enterprise was begun, established, and, during its entire existence, supported by the energy and money of certain generous individuals and philanthropic associations in the United States, and was on the 23d day of January, A. D. 1862, intrusted to the sole immediate management and direction of eminent and scholarly citizens of Liberia, as officers and professors thereof. There is a primary or preparatory department attached to this college, of which I know but little.

The college course consists of four years; the building is of brick material, and contains, inclusive of library and professors' rooms, thirty-one rooms, and is capable of accommodating as lodgers twenty-two college students.

The senior professor informs me that there should be, besides these twenty-two lodging students, one hundred student members of the college department with lodgings outside of the building. There are at present but ten members of the college department, to wit: one senior, two sophomore, two junior, and five freshmen students. In the ten years of its life, I am informed that the college has graduated six persons out of some about forty members, more or less. This much has been accomplished at cost, for the first nine years, of \$44,100 for teachers and president of school, during which period, my informant stated, the sum total of professors' salaries was \$4,900 per annum, two hundred of which was appropriated annually to preparatory department, the balance to the college. This year's salary for professors is \$1,000 less. Also one professor less. (The \$4,900 mentioned above is inclusive of salary for president of school.) Principally all the

schools in the country are dependent on the generosity of Christian missions abroad.

All the primary schools that I have been privileged to meet are sadly deficient in the requisites of a successful, or would be successful school.

While the children of the aborigines are brought into the communities under a law providing for their being received as apprentices, they are seldom sent to the schools, but chiefly confined to the domestic chores and the general condition of menials. I do not remember having met one dozen exceptions to the latter rule.

Having, in the preceding portions of this dispatch, entered largely into detailed statements, it shall be the endeavor to avoid tedium in referring to the

FUTURE PROSPECTS OF LIBERIA.

Upon the threshold we encounter the necessity of "judging the future by the experiences of the past." Although crowded with mishaps and numerous discouraging occurrences, the past supplies reasons for hope that we may yet behold the agricultural resources of Liberia placing her in the prosperous enjoyment of legitimate commerce, and those brilliants, science, religion, and reason, dispelling the thick gloom which now retards the nation's development. In attempting to determine Liberia's future none will deny the legitimacy of comparison with the experiences of other nations similarly situated; but we find in all history no instance with which to compare Liberia. We cannot approach the colonial settlements of the United States; the contrast between the materials with which the colonies of the two countries were peopled, strong enough to exclude all reasonable comparison. Seven centuries of civilization had found a culminating point in the fathers of the American Republic.

Those men who first settled the Liberian colony were an extract from centuries of barbarism, and from other centuries of thralldom. The one had succeeded in reducing the science of government to the greatest utility to man. The other, aside from a deep-seated love for liberty, brought to the work nothing but a degraded manhood and a wealth of illiterate inexperience. Between the two there is no possible comparison. We are therefore forced to look within Liberia for the causes both of her misfortunes and the prospects of her future. We find in her, as in all other cases, "the primal causes shine aloft like the stars;" depressed intellect has, to a great extent, relieved her individuals of manly self-reliance. Whether a misfortune or a fault, this is still a fact. I think there is no record showing that any people have, of their own effort and without auxiliary influence, climbed from barbarism to civilization; but in every case the rays of light have been contributed from without. Cæsar's army contained a general contribution of the collected civilizing influence of the several nations, and his impetuous dash across the Rubicon gave to Western Europe the germ of what has since become modern civilization. None would deprive Liberia of beneficent and necessary aid from without, but all would have that aid so applied as to enlighten the undebased manhood of the aborigine and develop the latent energies of the civilized Liberian.

Past experience shows Liberia's need to be men, education, and wealth; these alone can give her sound policy and successful government.

To the attainment of these requisites the devoted energies and money of American philanthropists have been for fifty years employed. What they have accomplished we have seen. Their immediate policy has been to emigrate exiled Africans to Liberia. Now that such signal

changes have occurred in the United States with reference to the condition of this class of persons the wisdom of continuing such a policy is thought by many at least to be questionable. While none would discourage such a desire to leave the United States for Liberia, all must concede that the number who desire to leave is comparatively small, and of a class whose degraded manhood and absolute dependence but ill adapts them to the wants of the primary economy of a young and aspiring democratic government. Many of those who come here are lured by impossible hopes, and possess disposition rather to acquire affluence and ease than to realize successful empire. Of an emigration that arrived in December, 1871, numbering two hundred and forty-three persons, forty-five or fifty persons have died of fever, many are acclimating, thirty-five or forty are intending to return, the remainder are quite despondent, and those who remain here will be little else than a burden to the country. I think it quite certain that the future success of Liberia depends greatly more than on any other thing upon the amount of immediate, close, and practical attention given by generous philanthropists to the indigenous aborigines, whose wholly unperverted manliness has never been degraded by unfavorable contrast, whose faith in himself and his race is not weakened by dependence.

It is evident here, as elsewhere, that the beginning of civilization must be brought from foreign countries; but the superstructure must be erected of indigenous material. The completion of the work belongs to the indigenous inhabitant himself.

If future prosperity would be secured to this land, its friends at home and abroad should apply their efforts to the improvement of and incorporation into this state the aborigines, rather than to indiscriminate accessions from abroad.

Thus they would establish a confidence with surrounding tribes that would develop an interior commerce, stretching to the gold-mines and Arabicscholarship of the Mandingo tribe of Mohammedan Africans, who should, by all means, be incorporated into the Liberian State. They now reside upon Liberian territory.

The policy of educating in foreign lands the aborigine children has been successfully adopted by European philanthropists.

In the cases of Sierra Leone, Lagos, and other successful colonies, this policy has proved eminently successful; the young natives return, and in their turn become teachers and missionaries; thus many thousands have been fully civilized.

In the adoption of such a policy lies Liberia's most direct route to developed nationality; her grandest prospects for the future. Whatever may be the future policy of the republic of Liberia, this fact is self-evident: God's economy wastes nothing.

Situation, climate, products, soil, and numerous peculiarities both of the people and the country, conspire to evidence that He manifestly not only intends the evangelization of Africa to be effected contemporaneous with her civilization, but that the "man of these tropics must elevate the man of these tropics."

I have &c.,

J. MILTON TURNER.

sidered fraudulent, applying to it, in consequence, the punishments pointed out by the law in such cases, and keeping especially in view the articles 63 and 64 of the rules of the frontier custom-houses of the 4th of June, 1870.

ROMERO.

Mexico, October 30, 1871.

No. 269.

Mr. Nelson to Mr. Fish.

No. 475.]

LEGATION OF THE UNITED STATES,
Mexico, November 28, 1871. (Received December 26.)

SIR: As a part of the history of the present revolution, I inclose a translation of a protest that was published by several members of the national congress who call themselves "constitutional deputies."

I have, &c.,

THOMAS H. NELSON.

[Inclosuré.—Translation.]

PROTEST OF THE CONSTITUTIONAL DEPUTIES.

The undersigned, deputies of the sixth constitutional congress of the republic, taking into consideration:

That the popular suffrage has been stifled in a great portion of the country during the last elections for the renewal of the President, and that the public reputation and conscience verify the pressure of force and other administrative abuses, with which was obtained the suffocation or falsification of the spontaneous vote of the people:

That this mockery was continued in the revision of powers of this chamber, the door of which has been inflexibly shut to many anti-re-electionary deputies, the unblemished character of whose credentials is unimpeachable, as has been seen in the debates and votes of the last few days;

That there are a great number of districts in which the election for President has not been verified; and that this owing to the efforts of the administration that the vote of the people should not be expressed, such administration having decided that the periodical rotation of the executive power, which has been suspended for so long a time, and which wishes to paralyze it for a new period;

That there are many other districts arbitrarily deprived of representation in congress that will not have, in the critical and important declaration which this document treats of making, the participation which nature and the constitution authorize them;

That neither have the representatives of all these districts been informed of the decisive and inaugurative acts of the legislature—acts which have been the means of preparing the result of the election to which they wish to proceed prematurely;

That it, as in duty bound, in reason and in justice, adjourned until the *frustrated* elections should be verified, and until the revision of the powers, which is incomplete, should be terminated in congress;

That to the parliamentary circles, whose repugnance to the re-election is known, they have not wished to give any representation in the investigating committee of the votes for the presidency;

That the present circumstances of the country demand from its representatives great foresight and gravity, in order to avert the danger of civil war, against which measures there is nothing so evident than that the supreme powers wish to legalize their functions and to put their titles of legitimacy out of the question;

That this premature act of the election, to which they wished to proceed, is not the reasonable and natural end, because the affair is finished, but, on the contrary, is a preconceived idea to which have been adjusted the anterior steps of Congress, which have unsustainable irregularities in face of the constitution, the electoral law, and parliamentary rule;

That a new irregularity has been committed by rejecting the proposition leading to the one that the elections should have their natural object, and should give, in all the

points of the republic, the participation in them, of which many, against their will, have been deprived ;

That the same majority of this assembly, by means of acts relative to the revision of the powers, has considered the protests of the minority to be efficacious, when the greater number of an associated body has oppressed such minority by jumping over the barriers of reason and of the laws :

Those who subscribe, considering all this, protest against the legality of the act that the majority of the congress established, in an electoral body, propose to execute and abstain from taking part in the premature vote and declaration to which the advice of the investigating committee extends.

Hall of sessions of the congress, Mexico, October 11, 1871.

P. TAGLE.	VICENTE LEBRIJA.
ZAMARCONA.	JOAQUIN MARIA RUIZ.
ESTEVA MIRAFUENTES.	CARHEON MARIANO ITURBE.
FELIPE BUEMOSTRO.	PADILLA F. URIARTE.
T. GARCIA.	J. ALFARO.
RAMON ROMERO.	MANUEL GONZALES.
FERREIRA P. TORA.	JOSÉ G. LOBATO.
LORENZO P. CASTRO.	JUSTO MERINO.
JUAN M. VASQUES.	MARTIN GONZALES.
JOSÉ MARIA PALICIOS.	MAEPICA.

No. 270.

Mr. Nelson to Mr. Fish.

No. 476.]

LEGATION OF THE UNITED STATES,
Mexico, November 28, 1871. (Received December 26.)

SIR: I herewith transmit a translation of a proclamation of General Porfirio Diaz, dated at Huajuapam, November 19, (A.) Also of a proclamation signed by the insurgent General Negrete, dated at Altamaja, November 20, (B.) and two proclamations of the federal General Alatorre, dated from his headquarters at Acatlan, November 23, (C and D.)

I am, &c.,

THOMAS H. NELSON.

[Inclosure A.—Translation.]

PROCLAMATION OF GENERAL DIAZ.

Citizen-General Porfirio Diaz to the Republican troops :

COMPANIONS IN ARMS: When, filled with the noble pride of patriotism, we divided together the adversities and glories of the colossal task to turn out from our soil the audacious French and Austrian armies, in order to guarantee definitely the independence and liberty of our adored soil, we never suspected that we should soon have to see our brothers face to face as enemies. But a disloyal government, despotic and parricidal, and to which the country did not owe the triumph of its holy cause, has cunningly deposited in your noble hearts the germs of division, in order to make the great and generous liberal party the laughing-stock of the nations that observe us, in order to perpetuate in power those who disregard the law and the universal voice of the nation. Shall this venomous plant germinate in your pure hearts, palpitating with glory, and even now agitated by the vivifying sun of the 5th of May? Answer your sincere friend, your brother. Why are you going to fight against my men? Why say we are traitors? Do we by chance invoke monarchy? Do we call to a foreign prince to govern the country of Montezuma? Do we beg for the humiliating protectorate of the United States, like Juarez and his clique of degraded Cubans and cowardly parasites? O, never! Like you, we carried five years since the tri-color standard in one hand and our constitution of 1857 in the other. With the first we wished to affirm our nationality, removing it from the bastard influences of every for-

sign country. Do you hear it? We wished to be free Mexicans, not pupils. With the second we wished to consolidate our means of being liberal, free, and progressive, indeed, and not by means of vain promises, which are being converted into positive military dictatorship. What are you going to sustain? For what are you going to shed your blood and that of your brothers? Why perpetuate the power of Juarez, who has dreamed of being a prince; who invites us to cowardice by his stupid despotism, or by the Yankee whip, with which he will scourge our people, as was done in 1847; thanks to the division, which, then as now, was the normal state of our unhappy soil. And do you accept this offering; you, the invincible sons of Hidalgo and Iturbide? Do we accept it; we, the brothers of Zaragoza and Salazar? O, do not believe it! It is a lie! Mexico will never give use to such a stupid scandal, without outraging its good liberal sons. Comrades: There are but two roads; either that of the infamy sustained by Juarez, or that of glory, binding us, as before, to save our country; in such a dilemma, we prefer yielding with glory than to live covered with ignominy. Choose, my friends; here is my hand, as ever, and conquering or conquered, you shall never despise your brother.

HUAJUAPAM, November 19, 1871.

PORFIRIO DIAZ.

[Inclosure 2 in No. — Translation.]

PROCLAMATION OF GENERAL NEGRETE.

Miguel Negrete, general of division, to his fellow-citizens:

An humble child of the people, I undertook the military career with the sole aim of being one day useful to my adored country and to its institutions.

I am democratic by birth and principles, and for this reason I cannot be indifferent to the evils that Mexico suffers; for this cause, you have seen that, whenever the institutions or the independence have been in danger, I have lent my aid in order to save them, after having been present at the humiliation, which, in the illustrious Zaragoza, the first soldiers of the world suffered, and in which I took a part at the side of the men whom I now command, because it was the emanation of the people in order to save their independence; but in Chihuahua I noted that these men sold their fatherland, and their treason being proved upon them, I separated from them; a little afterward I seized the banner which the illustrious Porfirio Diaz has to-day raised aloft, and which I am sure he will soon place over the palace of the Montezumas. Since that period until now I have been constant in my undertaking, even if unfortunate, for the political movements that I have indicated have had a bad issue, being that of the citizen in which my enemies, who are also the enemies of democratic institutions, have tried to wound me with calumny. The time will come in which the nation will have a detailed knowledge of what happened, and then justice may know who were the authors of this unhappy event, and the people may distinguish them by the mark of infamy.

Before General Diaz shall have taken up arms in order to vindicate the rights of the people of whom it is the emanation, the nation will have already manifested the desire that the tyrants should retire, leaving the free passage to the sons of the people; the central club that I had the honor to found and preside over, and also others that existed in all the republic seconding their views, is the undeniable proof of this truth: and this being so, the true soldier of the people, following his inspirations, ought to say. Long live General Diaz! long live the constitution of '57! death to the tyrants!

The movement initiated by the worthy General Diaz, and which I second in all its parts, is the salvation of the country; is the struggle of the free against the feudalists: is the extinction of the scandalous robberies of the satellites of power, and is the triumph of order and morality; peace will restore tranquillity to families; the workman will dedicate himself to his workshop, in order to attend to the education of his children; the women will wipe their tears; the horrible hecatombs which are now in Atexcalto, Ovejo, Tampico, the citadel, and other points, will have disappeared forever; for from this day forward the constitution of '57 will not be a beautiful illusion, because we have sworn to sustain it at the cost of our blood, and do so, that its bountiful sap may vivify all the children of the great Mexican family.

Group yourselves, then, fellow-citizens, under this banner, and when it waves majestically over the national palace, you will see the titles that the tyrants have founded disappear as if by magic; among such titles being the various monopolies that the political sons of the usurper of the rights of the people now possess.

And you, companions in arms, who from this moment commence to suffer the penalties of the campaign, ought to be proud because you work for the regeneration of the people, which labor will soon be concluded, for the victory will be ours, owing to your valor, because you are Mexicans, and defend the most holy cause of free nations.

Fight, then, with faith, and victory will crown our efforts, and all the free nations of the world will send us their blessings, because the cause which you defend is the cause of humanity.

MIGUEL NEGRETE.

HACIENDA OF ATLAMAJA, November 20, 1871.

[Inclosure.—Translation.]

PROCLAMATION OF GENERAL ALATORRE.

The general of division, Ignacio R. Alatorre, to his subordinates :

COMPANIONS: General Porfirio Diaz has thrown down the glove, trampling under foot the titles with which you have honored him, despising the distinctions which the nation awarded him for the loyal and patriotic conduct that was supposed of him. He has raised the standard of rebellion, to drive us anew into parricidal struggles. What cause, what principles does he invoke? What great interest leads him to this criminal act? The nation and yourselves know very well! *General Diaz rebels because he has not been elected president of the republic*, and pretends to seize by violence that which the popular vote of his fellow-citizens has denied to him. This, companions, is the sad reality, notwithstanding that insidious proclamations and false acts invent distinct causes; men of heart will not see anything in them but stupid pretexts.

Behold, then, the Mexican Cincinnati parodying the celebrated Santa Anna.

Comrades! the troops and the nation, anxious for the indispensable peace, in order to arrive at the progress that the supreme government aims at, are duelling in a terrible contest. Let us accept it, then, for it is our duty, and because far above us weighs the sacred obligation to sustain, at the cost of our blood, the rights of the people, the law, and the national government.

Let us march tranquilly to the battle-field; we shall not be responsible for the desolation of our soil; we shall not have to reproach ourselves with the tears that will flow, with the blood shed, nor with the national ruin; these horrors will fall back upon those who promote the tumult and mutiny, and who have caused so many evils to the republic.

My friends, you will soon go and fight. I have nothing to recommend to you, because I know that discipline, valor, and honor are gifts which shine in you. I know that you fulfill your duties, performing your noble mission as warriors without hate or rancor. The fatherland already considers you as its best sons, and you know how to answer to it with dignity.

Forward, comrades! remember that the nation is leaning on you, and that its tranquillity and progress, yet once again, depends upon your valor and intrepidity.

Forward! in whatsoever situation you may find yourselves, there will be always at your side your friend and companion.

I. R. ALATORRE.

HEADQUARTERS, ACATLAN, November 23, 1871.

[Inclosure.—Translation.]

PROCLAMATION OF GENERAL ALATORRE.

The general-in-chief of the division of operations over the insurgents, to the Oaxacan people :

FELLOW-CITIZENS: When the national government sent me to the State, in order to re-establish peace, disturbed by the lamentable errors of some of its children, it was not only guided by the fulfillment of the first of its most precious duties as the supreme authority, but also by the desire of emancipating you from the tyranny exercised by a government without titles to hold it—titles which it broke by separating itself from the federation, and abusing the power which the people and the constitution confided to it in order to promote its happiness and welfare.

I am very sensible of entering, with the sound of war, into one of the most heroic States of the republic; but the evils existing in it are alone owing to the rebels, against whom my action will be direct and energetic—not against the peaceful people, not against the honorable citizens, toward whom I bind myself in the most vehement sympathies and the most sincere affection.

My stay in this magnificent State will be merely transitory; but there shall be established in it peace and public confidence; there shall be reorganized in it a just and constitutional government; and there shall be enjoyed in it all kinds of guarantees.

One of the inconveniences which has impeded, during the last few years, the progress of the State, has been its bad fiscal system, that, exacting from commerce and landed property the most exorbitant contributions, has obstructed the roads of labor, industry, agriculture, and the arts, which to-day are buried in sad decadence. My efforts shall be dedicated to the liberty of commerce, as also to break the dikes which retain the fountains of public riches, in as far as it lies in my power.

Fellow-citizens, in order that with the honorable men my mission may be one of peace, and purely a reorganizing one, for that I need your aid, which I hope you will not deny to me; for that end you are invited by your fellow-citizen and friend,

I. R. ALATORRE.

HEADQUARTERS, ACATLAN, November 23.

No. 271.

Mr. Nelson to Mr. Fish.

No. 477.]

LEGATION OF THE UNITED STATES,
Mexico, November 28, 1871. (Received December 26.)

SIR: I inclose a translated copy of a decree that was adopted by the congress of the State of Oaxaca, on the 9th instant, and signed by the governor, Felix Diaz, the brother of General Diaz.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.—Translation.]

DECREE OF THE CONGRESS OF THE STATE OF OAXACA.

SECRETARY'S OFFICE OF THE STATE OF OAXACA.—SECTION 3—GOVERNMENT.

The citizen governor of the State has been pleased to address to me the decree that follows:

"Felix Diaz, general of brigade and constitutional governor of the free and sovereign State of Oaxaca, to its inhabitants: Know ye, that the congress of the same State has been pleased to decree the following:

" DECREE NO. 27.

"Considering that in the federal elections of last June and July the agents of the executive power having had recourse to violence, to bribery, and to falsification, deprived a great portion of the Mexican people of all liberty;

"That since the first preparatory meeting in the revision of powers and in the installation of the congress it has failed in the orders of the law, arbitrarily excluding many legitimate representatives, and giving a seat in the chamber to others without legal right;

"That in the computation of votes for the presidency of the republic, more than a million of the inhabitants have been left without votes, and more than fifty districts without representation;

"That the parliamentary majority, created by these means, is entirely factitious, and that the endeavors of the legitimate representatives who remain in the chamber are powerless to save the public liberty and institutions;

"That the present change of the federal executive and his agents in the congress propose to destroy the sovereignty of the States, centralizing all the powers under the pretext of authorizations, which greatly exceed the spirit of the 29th article of the constitution;

"Considering, lastly: That the civil war has broken out in all the extension of the republic, and that, between the people who are rising, in defense of their rights, and the usurpers of suffrage, the State of Oaxaca has the duty to go out in defense of its constitution and of its laws, the congress of the same State decrees:

"ARTICLE 1. The free and sovereign State of Oaxaca re-assumes its sovereignty, and protests its respect to the federal constitution of 1857.

"ARTICLE 2. It invites the other States of the republic to provide for the reconstruction of the federal powers, by means of an assembly of representatives popularly elected by the same States.

"ARTICLE 3. To the executive of the State there is given the faculty to provide for the emergencies of the situation.

"Given at the palace of the supreme powers of the State of Oaxaca, the 8th day of November, 1871.

"F. GARCIA, *President*.
 "S. LUENGAS.
 "GABRIEL SERRANO.
 "M. JIMENEZ.
 "ALBINO ZERTUEHE.
 "J. FENOCHIO.
 "JOSÉ MARIA YRIGOYEN.
 "A. CASTILLO.
 "M. SAENS PARDO.
 "J. ITURRIBARRIA.
 "JOSÉ MARIA PARDO.
 "FRANCISCO CARRANZA.
 "A. RAMOS, *Secretary*.
 "J. MUNOZ, *Secretary*.

"And I order the foregoing to be printed, published, circulated, and complied with.

"Palace of the constitutional governor of the State. Oaxaca, November 9, 1871.

"F. DIAZ.

"To Citizen ALBINO LOPEZ,

"Chief Clerk charged with the Secretaryship of the State."

And I communicate it to you for your knowledge and consequent effects.
 Country and liberty!

OAXACA, November 9, 1871.

ALBINO LOPEZ,
Chief Clerk.

To the political chiefs of ———.

No. 272.

Mr. Nelson to Mr. Fish.

No. 478.]

UNITED STATES LEGATION,
 Mexico, November 29, 1871. (Received December 26.)

SIR: For the past three weeks the Mexican congress has been almost exclusively occupied in the discussion of the law conferring extraordinary faculties upon the President, and the suspension of certain constitutional guarantees. Notwithstanding the absolute necessity for the adoption of this measure, in view of the critical condition of the country, it has been vigorously opposed, not only by the revolutionary party, but also by the friends of Mr. Lerdo. I inclose a copy and translation of the proposed law, (A and B.) The first three articles have been adopted by majorities ranging between thirty and forty votes, and it is probable that the fourth and last article will be approved during the present week. I also inclose a synopsis of a speech delivered in congress by Mr. Mariscal, minister of foreign affairs, on the 17th instant, which has been severely criticised by opposition speakers and papers, because of his allusions to the probable action of the United States, and the incursions of filibusters in the northern States, unless the rebellion should be speedily suppressed, (C.) I also inclose the official report of Mr. Mariscal's speech, (D.)

On the 20th instant the honorable Estanilao Cañedo (Lerdista) made

a notable speech, in which the relations between Mexico and the United States were freely discussed, a synopsis of which I also inclose, (E.)

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

PROJECT OF LAW.

ARTICLE 1. There is declared in force, until a month after the next re-union of congress, the factions 1, 3, and 4 of article 1, and the articles 2, 3, 4, 5, 6, 7, 13, 14, and 15 of the law of the 17th of January, 1870, on the subject of extraordinary faculties, and that article 8 is to be modified in the following terms: "From the moment that a military man commences to work with arms in his hands, rebelling against the constituted authorities, or that a civilian, in the same manner, commits exactions or violence against any one, the crime ceases to be merely a political one, and enters into the sphere of a public one."

ARTICLE 2. The armed military chief of a sedition and the soldiers in active service, from a sergeant upward, who desert to the enemy, shall be judged according to the proceedings of article 10 of the said law of the 17th of January, 1870; in the same manner shall be judged military men not in active service, and civilians, who, having taken up arms against the government, relapse into the same crime; for that same reason, the law of the 6th of December, 1856, is declared to be in force, its articles 6 and 54 and the exception established in article 5 being abolished.

ARTICLE 3. The executive is authorized to dictate, in the branch of war, all the necessary dispositions for the re-establishment and conservation of the public peace, and is equally authorized, in the treasury branch, that, for the same object, it may command funds, being able to impose contributions and make the necessary outlays, under the conception that the States, districts, and territory bear in uniformity the charges which are decreed, and that the payments which are made to the government for duties, set forth in the laws dictated up to now, shall be verified in the same manner that these laws determine.

ARTICLE 4. The executive shall give an account of the use they have made of these faculties in the period of sessions immediately upon the termination set forth in article 1.

[Inclosure C.—Translation.]

SYNOPSIS OF THE SPEECH OF MR. MARISCAL, DELIVERED IN CONGRESS NOVEMBER 17, 1871.

GENTLEMEN: A young orator of the opposition party made a speech which would be alarming, were it not so notoriously unfounded. He said that Minister Romero was delivering the treasury department to other persons, in order to go at once to the United States, with the view of negotiating the American protectorate over our republic. I was not present at the time, but Mr. Romero was, and he did not think it necessary to deny such an accusation. His very presence gave the lie to this, for he could not be resting in the hall and, at the same time, giving up the business of his department. Nevertheless, to please several friends of the administration, I come here to manifest to congress that the President of the republic has not thought, nor will ever think, of soliciting the protectorate of the United States nor that of any other nation. How could he, who maintained so nobly the Mexican flag in Chihuahua, and Paso del Norte, have done this? He, who knew how to resist the influence of a friendly and neighboring government, when, through a laudable feeling, it interfered between the usurper and national justice.

I should offend, gentlemen, the illustrious antecedents of Mr. Juarez, were I to impugn a speech which, through condescension alone, I have come here to contradict, and which I leave to your good judgment. It is true that there is great danger for the honor of the country, perhaps even for its independence and the integrity of its territory, but this danger does not originate with the administration, but in the revolution and anarchy.

No one denies that our country has been judged with much severity, owing to its chronic anarchy since the independence, producing the phenomenon of humiliating poverty in the midst of elemental riches.

Since the war of reform which immediately occasioned the foreign usurpation, our spirit of resistance knew how to apply itself to noble and great deeds. The world

looks at us with curiosity, desiring to prove by our example if the love of independence and the constancy to defend it are sufficient to allow of a nation governing itself; if democratic institutions are peculiar to the Anglo-Saxon race, or if they will also serve for other people, as, for example, the Latin race.

Thus, if we were to succeed in establishing liberty and democratic institutions, our triumph would be immense and enviable, because we should have confounded those who calumniate us, and prove the possibility of every people governing itself.

But if we fall anew into anarchy, we should be declared incapable of self-government. Our very glories would be turned against us, for it would be said that our resistance against a foreign government and monarchy was inspired by our feelings of disorder against all government; it would be said that what we call our heroic patriotism is no more than the vice of resorting to arms our love of insurrection and the sad advantage of being able to repeat such things eternally.

If such things continue, we shall have shown to the universe that we are incapable of being governed either by ourselves or by the liberal constitution of '57; and that we are a people without hope or future, and without any capacity for material progress. They will say, we are a very valiant people, but of the valor which also belongs to other semi-barbaric peoples. They will pretend to treat us like they treat the people of Asia and Africa, where every stranger of a Christian land considers himself alone subjected to his own consul. And have we thought what this signifies? This dishonor of poor Mexico would not be alone the insufferable humiliation of each Mexican in the presence of any foreigner; not alone the absolute loss of honor, the most precious virtue of a nation as it is of an individual; but would also be our material ruin, the loss of all our hopes to save us and make us progress in the future. For then, gentlemen, it would be impossible to hope for emigration, without which little could be done. It would be also impossible to hope for foreign industry and capital; little could be done in any new country which has not had time to form its own industry and capital; far less so in Mexico, where the capitals which before existed have been destroyed by so much adversity.

What confidence would then remain to induce the risking of a single dollar in a Mexican undertaking, when even now, for example, the telegraph of the northern frontier has been broken into a thousand pieces and robbed of all its apparatus, as the savages of the western prairies of the neighboring nation would not rob. And this destruction has been made by the "pronunciados" to the property of an American company, which, after the most lively excitement on our part, unites their wires to ours, in order to put us in communication with all the known world—another improvement indefinitely postponed, another motive of complaint against Mexico, of disconfidence of all undertakings with us; and this because the "pronunciados" have consummated their destructions in the name of liberty and free suffrage, and other blasphemies common to the revolutionists.

Let congress pardon me if I have stopped to lament an act that appears of secondary importance; nevertheless, it is one that will injure our republic. My wish was to bring forward a recent example of the discredit into which we may fall, and why we shall injure special foreign interests, through these "pronunciamentos" which have commenced; and this discredit will not only bring about the loss of all hopes of material development, but will also occasion a nearly inevitable danger of losing the independence at least of one portion of the Mexican territory.

It pleases me in acknowledging, because I do not doubt it, that the present Government of the United States does not think to acquire unjustly, or with force, or by means of diplomacy, any portion of our territory, but it may change the officers of that Government, and may ferment in that people the desire to acquire new dominions, and all its governments have the end to make some concession to so characteristic a desire. This assuredly led the great statesman Seward to the acquisition of the frozen deserts of Alaska, and this may have led the illustrious President Grant to promote, with great pains, the annexation of Santo Domingo. Let us now consider, gentlemen, in what manner a portion of our territory might be useful to the United States. They will certainly not take it away from us by force while we keep a decent peace, and while, under the shadow of a government fairly respected, they may be able to realize great roads of communication and other undertakings that, at the same time enriching our country, strengthening its independence, and consolidating its internal peace, will be useful for the whole of humanity.

But if, by fresh and prolonged seditions, we make such undertakings impossible; if we frighten away the enterprising spirit of our neighbors; if we oppose an obstacle to the general good, shutting the door to our own welfare, what better pretext, gentlemen, could we give to the American filibuster, who, in order to prove his ambitious views to be honest, would take on his side the interests of commerce, industry, and universal progress? What better occasion could we give him to develop it with the applause of other nations, we being surprised in a debilitated state, exhausted by our internal quarrels, developing it with such force that it would not be possible to contain him? I can assure congress that if, unfortunately, the anarchical revolution

which has broken out in our soil should be prolonged, there will be projects, perhaps filibustering expeditions, which will make still more critical and affecting the situation of the republic. For such a motive, I sincerely believe that the revolutionists who know this, those who reflect attentively on this and nevertheless insist in their seditious plans, will be as blind as traitors, and will be traitors in the full extension of the word.

Menaced by such terrible evils, what shall be the preventive with which to drive them off; what shall be the means of avoiding the prolongation of anarchy? It cannot be other than to strengthen the executive, not only with the faculties you have voted, but with the sincere union of all patriots, all good Mexicans. The executive believes its present elements sufficient to suffocate the sedition already commenced and menacing to be fermented; its confidence leans on the good sense of the nation, tired of so many struggles, productive only of new misfortunes.

But your union is more important, so that the action of the executive may be prompt and effectual. In the name, then, of the patriotism which I cannot deny to you, I conjure the members of the minority against Mr. Juarez to put at one side all resentments, whether just or unjust, as also all party spirit, excusable in other circumstances, but may be criminal in the face of the present ones. I beg them to save the honor of our country, and to conjure away the danger of suffering a diminution of independence or national territory. Gentlemen, you have come to this rigorous and inevitable alternative, either to establish legal order, or to prolong anarchy with all its crimes and horrors. The election does not appear doubtful, and I flatter myself with the hope that you will elect the patriot that your consciences have doubtlessly indicated to you.

[Inclosure D.—Translation.]

SESSIONS OF THE 20TH NOVEMBER, 1871.

SPEECH OF THE DEPUTY CANEDO.

As the united committees have not replied to the orators who have just occupied the tribunal, attacking the article under discussion, I shall limit myself to rectifying some of the ideas, in virtue of which the minister of foreign affairs has wished to impress upon the chamber, in order to incline its vote in favor of the extraordinary faculties, that the present disturbances may bring with them the complication of an invasion of our territory by the United States, under the cover of Texan filibusterism.

I am persuaded that such a fear from the lips of the principal organ of the cabinet has only been the effect of an oratorical effort, and not in any way the expression of his convictions, as no one better than his excellency knows the principles which guide the policy of the neighboring Republic, from having had the honor of representing Mexico lately near the Government at Washington. But as the manifestation to which I refer has alarmed some of the deputies, and caused a profound sensation in the public, as appears by the commentaries of the press, I have deemed it convenient not to allow this incident to pass unperceived, when it is so easy to calm the imagination, and dissipate the unfavorable impression that may have been caused by the delusive fear of any international conflict, in addition to the serious events at home, which are exciting the whole nation.

Were the neighboring Republic to entertain the intention or desire of availing itself of our political disturbances, and favor an armed invasion against Mexico, it would be necessary that its Government should completely hold in oblivion all the interests created by the late civil war, which entirely changed the state of that country. It would be requisite that it should separate itself from the line of conduct which it has hitherto observed for the consolidation of the important anti-slavery principles established after so long and fearful a war, and that it should propose to itself the flattering of the interests and aspirations of the vanquished slavery element, the only one that would be favored by a war with Mexico, or the annexation of any portion of our territory.

The interests of the Government at Washington and those of the people of the United States are, to-day, intimately leagued with those created in our republic, by the triumph of the political and social principles emanating from the constitution that governs us—a constitution almost identical in its spirit, and even in its text, with that which serves as the fundamental covenant of the American people. This union of interests between both the neighboring republics is so certain, that no one can observe the steps of the one without comprehending that, to a certain degree, they must affect the other; influencing in the development of those republican and democratic principles which both have adopted as their guide, as also in the development of their respective elements of wealth and prosperity, which now cannot be placed in opposi-

tion to each other, as frequently happened before the war, or when the American Government, under the political influence of the men of the South, thought of extending slavery, at any cost, by means of the absorption of our northern States.

I can foresee the reply that the minister of foreign relations is about to make me. He will at once say that no one doubts the truth and justice of all I am stating; that he is the first to corroborate my assertions, because he has had occasion to study closely the policy and tendency of the United States; that the suspicion that the American Government might invade our territory in view of the disturbances we are suffering had never crossed his imagination, but that that which the Government and the people of the United States would certainly not do, might be attempted by that important and spurious element called filibusterism.

This explanation, entirely conformable with the words of the organ of the cabinet, would, notwithstanding, lead to an absolute misapprehension of the direction our neighbors have given to their present policy. In the same manner in which they have blotted out from their Federal compact the stain that appeared upon it from the shameful pest of slavery, they are endeavoring to show to the world that they completely reject the ancient spirit of conquest, which had pre-occupied their various administrations previous to the anti-slavery war. And it is necessary to confess that this new policy does not exist simply as a vain theory, but that it has been carried into actual practice, with resolution and firmness, in every case since the triumph of the North.

Let us look, for instance, at the policy adopted by the Government at Washington in nullifying and putting down the Fenian invasion of Canada; remarking, at the same time, that the annexation of that English colony would be as advantageous to-day to the triumphant element in the United States as the annexation of our frontier States would, at no distant time since, have been to the slavery party. And other proof, not less remarkable, is the resolution with which it has persisted in not interfering in the Cuban question, notwithstanding the sympathies for the cause of independence and republican principles which that heroic Spanish colony is struggling to establish. Moreover, the decision of the Senate is still fresh by which it rejected the pretension made by the Republic of Santo Domingo to be annexed to the American Union, and thus furnishing to their navy a predominant position in the Antilles.

With these facts before us, it is not to be conceived how the executive can fear that a few filibusters, dispersed on the borders of the Rio Bravo, should mock at the policy of the Government at Washington, and escape from its powerful action, satiating their depraved instincts, and throwing down the gauntlet to two nations united by the link of common interest.

It remains, therefore, without doubt, that the deputies can vote against the extraordinary faculties without the fear that their vote may be susceptible of influencing in any way the illusion of an invasion by American filibusters, whose belligerent ardor, on the other hand, would be impotent to overcome even the isolated and prompt action of our frontier possessions, as we have seen on former occasions.

There is another error, which I think it requisite to correct in proof of impartiality, as it will tend to relieve the executive from a charge made against it in the warmth of a brilliant discourse. As a member of the committee of inspection of the fifth constitutional congress, I had occasion to examine the accounts presented by the government during the last few years to the accountant-general's department, and I can, therefore, testify that among them there was found the detailed distribution of the funds produced to the exchequer from the contract relating to the colonization of Lower California.

After these rectifications, I must dedicate a few words to the first article, which gave rise to them.

I believe that the executive has mistaken its course, in dedicating its attention so exclusively to armed repression—to the action of material force. I believe that in order to suffocate the rebellion which is spreading through the country, the federal troops would suffice, if it consisted only, as the minister of war has assured us, in chaotic disorders, and in enervating the propagation of robbers, kidnappers, and common disturbers.

I believe that the situation should be considered in another point of view; proving that what is now required of the executive to continue the same course lately followed is not an indefinite amount of discretionary power, nor the use of bayonets, nor the terror caused by scaffolds, but the desire to satisfy the exigencies of our society, exasperated by so many abuses, and under the oppressions of which it is victim; the resolution of applying itself to render a more just tribute to the *moral force* of the nation—to that force which it has completely ignored and deprecated.

In place of the sad picture presented to us a few days since by the organ of the executive, and the analysis he gave of the political and social state of the Mexican nation, suffering under new convulsions; in place of insinuating that the civilized world would consider our present misfortunes and disorder as symptoms of decrepitude and decay among an ungovernable people; in place of exhibiting Mexican society as the sole cause of our revolutionary commotions, and its iniquitude and insubord-

ination as responsible for the blood again spilt, I believe, truthfully and sincerely, that the minister might have discovered the causes of the crisis through which the country is passing in the abuses and offenses committed by the executive itself, contrary to the spirit and text of our fundamental laws.

How is it to be supposed that a people like the Mexicans, so jealous of their liberty and rights, can witness impassively and with the resignation the cabinet would wish for, that their municipal liberties are trodden down in the most scandalous manner, and substituted by the old colonial laws issued in 1813? How are they submissively to allow the progressive and systematic nullification of the federal compact, by means of the constant interference of the executive in questions relating to the interior government of the States, whose sovereignty is now nothing more than a vain word and without practical sense? How, to conclude, can they suppose that the people can quietly submit to the audacious falsification of the popular suffrage, by the oppression of brute force? The executive has converted the governments of the free and sovereign States of the federation into blind instruments of its views and interests. By establishing a criminal complicity with the governors, with the legislatures, and with the tribunals, it has suffocated by force every element that was not assimilated to its absorbing and domineering policy.

Still, there are some States that have been enabled to resist a similar oppression. Well, then! Do you believe that when the extraordinary faculties asked for by the first article now under discussion be granted, they will escape from the power that has bound and subjected the other portions of our federation? No, sirs! the slow work of the executive will follow up its course, and, within a few months, instead of a popular democratic representative republic, we shall have nothing but a confirmed centralism, under the mask and with the appearances of a federal compact.

These being the marked tendencies of the executive during the last twelve months of its administration, I cannot, in conscience, in the matter of the concession of extraordinary faculties, give a vote of thanks that would sanction the blows given to municipal liberties, to the sovereignty of the States, and to the independence of popular suffrage.

No. 273.

Mr. Nelson to Mr. Fish.

No. 479.]

UNITED STATES LEGATION,
Mexico, November 29, 1871. (Received December 26.)

SIR: The revolution which has so long threatened to disturb the peace of the country has, since the date of my last general dispatch, been declared to a greater or less extent in several of the States of the republic. The "*pronunciamento*" of General Porfirio Diaz was immediately followed by similar manifestoes from a number of other insurgent chieftains, all based upon substantially the same grounds, and each recognizing General Diaz as their leader.

The theater of the most important military operations for the present will undoubtedly be the frontier between the States of Puebla and Oaxaca. After fortifying the city of Oaxaca, General Diaz moved, with about four thousand men, toward the northwest, in the direction of Huajuapam, probably with the design of marching on Puebla; but a superior government force, under the command of General Alatorre, having been concentrated near the point indicated, he retired some distance, and when last heard from was marching toward Tehuacan, in the southeast part of the State of Puebla. In that vicinity he will probably encounter a large government force, under the command of General Rocha. The federal troops are within convenient proximity for purposes of co-operation. A battle is imminent, and is expected to occur within twenty-four hours. The united government force investing the State of Oaxaca cannot be less than ten thousand men, who are generally well armed and disciplined. If there shall be no serious defections among those troops, the result of the expected battle cannot be doubtful.

A battle took place on the 14th instant at Ometepec, on the western

frontier of the State of Guerrero. A small insurgent force, under the command of General Jimenez, was completely routed by the federal general, Felipe Rodriguez.

Very little intelligence has been received in this capital from the seat of war in Nuevo Leon. There has been no mail or telegraphic communication with the extreme northern States for several weeks. It is yet doubtful whether the insurgents under General Treviño have succeeded in capturing Saltillo.

The insurgent general, Donato Guerra, after defeating the troops of the government in the State of Durango, took and yet retains possession of the capital of that State.

Affairs present a threatening aspect on the Pacific coast. A communication from our consul at Mazatlan, dated the 10th instant, informs me that the government troops at Guaymas had pronounced, murdered their officers, and taken possession of between eighty and one hundred thousand dollars in the custom-house; and I have just learned that a similar event has occurred at Mazatlan.

The whole country appears to be in a great state of alarm and confusion; business is paralyzed, and murder, robbing, and kidnapping are the order of the day. Robberies of stage-coaches have been so frequent of late that several important lines have been withdrawn. Even the large cities furnish very little security to person and property.

I can perceive no remedy for this terrible condition of affairs, but in the complete success of the federal arms.

I am, &c.,

THOMAS H. NELSON.

No. 274.

Mr. Nelson to Mr. Fish.

No. 482.]

LEGATION OF THE UNITED STATES,
Mexico, December 4, 1871. (Received January 2.)

SIR: On the 1st instant, President Juarez entered upon his new presidential term. The inauguration took place in the chamber of deputies, in the presence of a considerable majority of the members of congress, the diplomatic corps, and a large concourse of people. It was noticeable that the partisans of General Diaz in congress were absent, while the friends of Mr. Lerdo answered the roll-call. The President, upon entering, was enthusiastically received. After taking the oath of office, he delivered an address, a printed translation of which is inclosed, (A.) Don Alfredo Chavero, the president of congress, responded on behalf of that body. A copy of his address is also inclosed, (B.) These addresses, it will be perceived, are replete with patriotic sentiments, and are hopeful and buoyant in tone. At the conclusion of the ceremony, the bells of the cathedral were rung, and one hundred guns were fired in the plaza in front of the palace, while the national flag was raised upon all the public buildings. The flags of the different legations and consulates in the city were also displayed. At night the grand plaza and many public and private buildings were illuminated. Contrary to the general expectation, nothing occurred to mar the peace and harmony of the occasion.

In the afternoon, with the other members of the diplomatic corps, I

called upon the President, and congratulated him upon his re-inauguration, and expressed the earnest desire of the Government of the United States for the speedy and permanent establishment of peace, and the progress and prosperity of the republic. The President returned his thanks, alluded to the cordial relations existing between our respective governments, which would be strengthened and continued during his administration, and expressed the utmost confidence in the speedy restoration of peace throughout the country.

I am, &c.,

THOMAS H. NELSON.

[Inclosure A.]

SPEECHES OF THE PRESIDENT OF THE REPUBLIC AND PRESIDENT OF THE MEXICAN CONGRESS, AT THE INAUGURATION OF THE NEW PRESIDENTIAL TERM, DECEMBER 1, 1871.

CITIZEN DEPUTIES : On protesting before the congress of the union the loyal and patriotic fulfillment of the difficult trust conferred upon me, for a new constitutional period, by the election of the people and their legitimate representatives, I comprehend the immense responsibility that is about to weigh upon my conscience. Even under circumstances less hazardous, this trust is accompanied by a compromise of exceeding gravity, on account of the struggle, which has to last for sometime, in our country against the elements hostile to peace, order, and democratic institutions. But when to these ordinary difficulties are added those which arise from so threatening a rebellion as that which has just broken out, the responsibility I now accept would completely overwhelm my spirit if I did not, as I do, firmly believe that my most powerful support will be the good sense of the nation, so anxious for peace, and the dominion of the laws it has sanctioned.

Ever since the glorious conquest of our independence, our country appears to be consuming itself in unfruitful struggles, which have, notwithstanding, revealed at times the instinct of the people contending to shake off ancient prejudices, in which were entailed the interests of privileged classes. At last a complete victory was gained over these interests, and the principles proclaimed by the revolution of Ayutla and the laws of reform were established. At the same time the constitution which now rules us was secured, and with it the cardinal principle of all political organization, that of legality—that of subjection to the will of the people expressed in the only way founded by that people. It was in vain, therefore, that the vanquished interests leagued together, and, in a struggle of three years, endeavored to destroy the principle of legality conquered in union with that of reform. In vain they prolonged a fratricidal war; neither that desperate effort, nor the foreign assistance to which they appealed, were sufficient to overthrow so precious a conquest. In spite of the war from abroad, and of the usurping administration to which it gave origin, the legal tradition established since 1857 has been faithfully pursued.

This circumstance, more than any other, has constituted the moral force of the government, before which all the aspirations and all the political passions, in their highest effervescence, have fallen to the ground. This has been the emblem of peace and of order in midst of all the disturbances that have arisen; the anchor of salvation in the storm that menaced the national independence. To this it is owing that, at the present time, in the field of international rights and discussion, we can sustain, without fear of reply from friends or enemies, that the acts of the administration founded by the invaders are void of obligation on the part of the nation, because the existence of the lawful government was never interrupted for one moment. And this conquest, the most important of all, without which all the others would be ephemeral, is that which the conceiters of the rebellion now threatening us pretend to sacrifice. Once again, with the greatest possible efforts, gathering together all the elements of evil and private discontent, reuniting all the force of disorder and crime fomenting in our society, the militarism of former times raises its flag against the standard of legality—the sacred standard that has saved the republic in its greatest dangers. Their object is to demolish the work that has been consolidated in fourteen years of immense sacrifices, and bring us back to the period when a revolution only signified the change of the individuals in power, leaving the field open to other aspirants equally fortunate. Their promises are as flattering as those of all the leaders of sedition, and, for the sake of ridicule, they invoke the reigning constitution, confessing that they intend to reconstruct it by arbitrary means.

Such is, citizen deputies, the seditious movement which has broken the public peace ;

and such will be in their principal tendencies, all those that, with whatsoever pretext, may rely upon the force of arms, thereby audaciously pretending to interpret the will of the people against that which is laid down by its legal organs. No precedents, no patriotic services can ever suffice to justify so sad an error; the nation will always condemn it as a crime; because, if the good sense of Mexicans has progressed in anything, after their long and painful experience, it is in comprehending the preference of national institutions and interests over the merits of those men who have once served them.

To sacrifice order, and freely-adopted laws to the plans, more or less illusive, of one man, meritorious as he may be supposed to be, would be to plunge us in an unlimited anarchy; to completely ruin all the elements of prosperity in the country; to destroy, perhaps forever, our reputation in the world, and hereafter compromise our independence itself.

Now that we are threatened with these evils, the inevitable consequence of new disorders, if they are not promptly repressed; now that all that is most sacred to society is in danger, it is, without doubt, the first and preferential duty of the executive with all possible promptitude to re-establish peace and order wherever they may be found to have been interrupted, preventing by every means in its power that such interruption should spread over other parts of the republic.

The solemn protest under which I have just bound myself before you, citizen deputies, imposes upon me this duty above all others; and I shall endeavor to fulfill it without sparing any effort, even subordinating to it, for the moment, other necessities of the executive, notwithstanding; and as far as the primary exigency of pacification will permit, I shall take care that none of the requirements of public service shall be neglected. My principal ideas respecting its different branches are known; and indeed I had the honor of declaring them to this present congress on the opening of the sessions, alluding to various matters under discussion or to be presented to the assembly. It would be useless to enter into new details upon those matters undoubtedly of vast importance, but the interest of which is subordinate to the re-establishment of peace and the salvation of our institutions from the danger that threatens them. The first thing is to attend to the removal of so immediate a danger, and afterward, without loss of time, to occupy ourselves in cementing certain advances laboriously attained in matters of administration and in realizing several reforms that are indispensable for the future.

In the arduous task I am about to undertake, commencing by repressing a sedition which, if prolonged, would be of incalculable consequences to the republic, I count, citizen deputies, on your patriotic and enlightened co-operation. When the people see their most precious interests in imminent danger, it appears to me impossible that their representatives should fail to co-operate efficiently in saving them—impossible that they should fail to assist the executive in this endeavor, when it is bound to defend order and the laws whenever they are seen to be abruptly menaced by force.

All, and each of you, with the elevated character of representatives of the people; all and every Mexican, no matter what may be your opinions and antecedents, shall have the way free to assist the administration in its difficult undertaking, and the services you may render in behalf of the country will be received with sincere gratitude, and with that spirit of fraternity that ought to prevail among good citizens. Such will be the conduct of the executive, for such is its unquestionable duty; and solely in this manner shall I be enabled to fulfill the obligations that I have now taken upon myself, pledging my honor and conscience before the representatives of my country.

[Inclosure B.—Translation.]

Reply of the president of the chamber, Alfredo Chavero.

CITIZEN PRESIDENT: The solemn act of your protest in the moments of the rebellion taking up arms against our fundamental charter, attempting to destroy it with the saber, is the most energetic manifestation that the country could make that the time has passed when the destinies of the republic could be decided on the field of battle. To-day the people, lovers of the institutions that have cost them so much blood, resolve their future in the field of the law.

It has been fortunate that, after so many years of disturbances and tumults, which have always given a spurious origin to our governments, we have separated from so bad a course, with the constitution of 1857 as our guide. You, who had taken this as your banner, on proclaiming reform against the retrocession of reaction, and on sustaining the justice of our independence in the face of traitors and the armed intervention, know better than others that there now exists no other road to reach power than that of the legal path. For this reason the republic rejoices to-day, because it sees that you receive the power not from the law of force, but from the force of the law.

When any one of those leaders has occupied the presidency, by opening their road

by the edge of the sword, he has presented himself bestained with blood and accompanied by the groans of his victims; but when that position is reached by the solemn and pacific vote of the people, the one elected carries with him the blessings of his fellow-citizens. The first presents himself in the palace, as in an encampment; the second, as in a temple.

Before this spectacle—before this solemn manifestation of the vote of the republic—what are rebellions worth? How can they last, if the breath of the national will dispels them as if they were the fantastic creations of the mist?

Evil, which will always endure up to the last moment in opposition to good, rises to-day in the form of rebellion—a rebellion which cannot be called revolutionary, because it does not proclaim any ideas of redemption, any emancipation, or any sacrifice; a rebellion that only seeks the presidential chair, driving before it all that hinders its road—congress, the supreme court, and the constitution itself; a rebellion headed by a former chief, the more culpable the higher the republic had elevated him in its esteem and glory.

In a situation so serious, Citizen President, you are about to commence your new administration, and with reason you have said that your first and most urgent care must be the re-establishment of peace. Congress trusts that this benefit will soon be acquired. Congress has witnessed the good sense of the whole nation, as, the electoral struggle having concluded, all the States accept the result with the exception of Nuevo Leon and Oaxaca, and they have found no echo, unless it be among the apprehenders of the “conductas,” (convoys of specie,) or those who attack the railroads.

Congress, which has not failed to observe with inquietude this revolt, is now authorizing the executive with the view that, being sufficiently strengthened with faculties, it may terminate the insurrection within a short time, and which, with reason, has been called the last of our revolutions.

The conclusion of the war will arrive; you will have re-established peace; and afterward you will still have to fulfill a more important duty—to endow the republic with a solid and simple administration. Congress, without a doubt, will take a very active part in so grand a work, as peace will not be possible, nor will the happiness of the country be so either, until the estimates of the revenue and expenses shall have found their equilibrium, until our credit shall be re-established, our territory traversed by railways, and all the administrative branches shall be conducted without trammels, and within the orbit of the law. To comply with this is the sacred compromise that you have contracted, and congress has heard, with great satisfaction, that you demand the co-operation of all Mexicans, comprehending that you are not the head of a party, but the President of the republic. You have consummated reform, and thereby regenerated the moral part of the nation; you have sustained the second war of independence, consigned our republican ideas to triumph, and saving the honor of Mexico. Now crown your labor; invigorate the body of the republic with the administrative measures that may be requisite to give it strength, and then, by establishing wise institutions for a basis, the nation will be enabled to construct the temple of peace on a sure foundation.*

No. 275.

Mr. Nelson to Mr. Fish.

No. 481.]

LEGATION OF THE UNITED STATES,
Mexico, December 9, 1871. (Received January 2, 1872.)

SIR: The discussion of the bill conferring extraordinary powers upon the president was terminated on the 1st instant, and the measure was adopted substantially as reported by the committee. Unlimited power is given to the president in the departments of war and finance, and certain individual guarantees are suspended until one month after the beginning of the next session of congress, in May, 1872, at which time the executive is required to give an account of the use made of said powers.

A copy and translation of the law are inclosed, (A and B.)
Congress will adjourn on the 15th instant.

I am, &c.,

THOMAS. H. NELSON.

* The last paragraph of this address, having been received in an imperfect state, is omitted.

[Inclosure B.—Translation.]

AMPLE FACULTIES.

BENITO JUAREZ, *Constitutional President of the United States of Mexico, to all the inhabitants thereof:*

The congress of the union has thought proper to decree the following:

The congress of the union decrees:

ARTICLE 1. The fractions 1, 3, and 4, of the first article, and the whole of articles 3, 4, 5, 6, 7, 13, 14, and 15, of the law of the 17th of January, 1870, are declared in force, up to one month, after the first meeting of congress; and the eighth article is modified in the following manner: "From the moment a military officer commences with arms in his hands to rebel against the constituted authorities, or when a citizen acting in the same manner, commits exactions or violence against any person, the crime will cease to be merely political" and then is considered as an ordinary crime.

ARTICLE 2. The chief of an armed rebellion and the officers in active service, from sergeant up, who go over to the enemy, will be judged as is prescribed by article 10 of the aforementioned law of the 17th of January, 1870. Those officers who are not in service and citizens, who take up arms against the government, to commit the same crime, will be judged in the same manner.

The law of the 5th of December, 1856, is declared in force, (articles 6 and 54,) and the exception established by article 8 being revoked.

ARTICLE 3. The executive is authorized to dictate in the war department all the necessary dispositions to re-establish and preserve public peace; also for the same reason, in the treasury department, he is authorized to provide resources, having the power to levy contributions, and make the necessary outlays; under the understanding that the states, district, and territory will share proportionally the contributions that may be decreed, and also that the payments made to the government on account of duties imposed by the laws hitherto decreed will be made in the manner prescribed by these laws.

ARTICLE 4. The suspensions of guarantees accorded in the second part of article 18, and in the first part of article 19 of the constitution, refer only to those who are accused of rebellion against the constituted authorities. Those who commit crimes of the ordinary character, without being rebels or kidnappers, will enjoy fully all the individual guarantees that are accorded by constitution.

ARTICLE 5. No sentence of death, pronounced according to this law, can be executed until the cause is forwarded to the president of the republic, that he may determine whether pardon be granted or not, either officially or by petition of the party interested.

ARTICLE 6. If, before the meeting of congress, the cause that gives rise to the suspension of guarantees should have ceased, this suspension will terminate immediately, and the constitutional articles that insure individual liberty will be reestablished in their full force.

ARTICLE 7. The executive will give an account of whatever use he may have made of these faculties in the forthcoming period of sessions mentioned in article 1.

Hall of the congress of the Union, Mexico, December 1, 1871.

ALFREDO CHAVERO,
President of Congress.

ALBERTO GARCIA, JOSÉ P. NICOLI,
Secretaries.

Whereupon I order the above to be printed, published, circulated, and to be duly observed.

MEXICO, December 2, 1871.

BENITO JUAREZ.

No. 276.

Mr. Nelson to Mr. Fish.

No. 483.]

LEGATION OF THE UNITED STATES,
Mexico, December, 9, 1871. (Received January 2.)

SIR: On the 3d instant the insurgent-general Porfirio Diaz commenced a retrograde movement toward the defenses of the city of Oaxaca, and is now being closely pursued by the forces under the federal

generals Alatorre and Rocha. A telegram from General Rocha, dated the 6th instant at Teotitlan, announces a skirmish with the troops of General Diaz near Tecomavaca, in which the government forces were victorious, killing seven men, including the commanding officer, Colonel Marquez, and taking a number of prisoners.

General Diaz is said to be greatly disappointed because of the want of enthusiasm with which his revolutionary movement has been seconded, having received very little support even in the state of Oaxaca. It is probable that his force will evacuate the city of Oaxaca before the arrival of the combined forces of Alatorre and Rocha, and break up into predatory bands, for purposes of robbery and plunder, and that General Diaz and his leading officers will escape from the country. If General Diaz should give or receive battle, he will, no doubt, be overwhelmed by the government troops.

From the north very little intelligence has been received for several weeks. The rebel General Treviño is supposed to be still at Monterey, organizing his army with a view to operations against Saltillo, but the government now has a formidable force in that city which will probably successfully resist any attack of the insurgents. From the west coast I have received communications from our consuls at Guaymas, Mazatlan, Manzanillo, and La Paz. Under date of November 6, our consul at Guaymas informed me of the revolt of the federal garrison of that port, numbering about two hundred and forty men, on the night of the 29th of October, killing their commanding officer and three others, and making prisoners the remaining officers. The command was assumed by one Jesus Leyva, of the national guard, who immediately proclaimed Porfirio Diaz as the legitimate president of the republic. They held possession of the town for four days, levied a forced loan upon the merchants of \$15,000, and compelled Mr. Bartwing, the Prussian consul, who had just received a cargo of goods, to pay \$30,000 in cash on account of duties. On the 2d of November, Leyva embarked with his troops, numbering about three hundred men, and started in the direction of Ajiabampo, the coasting port of the town of Alamos. I have since learned that he entered Alamos on the 9th ultimo without opposition. The governor of the State, with a federal force of about six hundred men, is reported to be at a short distance from Alamos, and has, no doubt, by this time captured or dispersed the rebels.

I have received a communication from our consul at Mazatlan, dated the 20th ultimo, advising me that on the morning of the 16th of that month the federal soldiers of that place, led by their colonel, Palacios, left their barracks, marched through the city, and took possession of the custom-house and the government house, and issued a "pronunciamiento" proclaiming Porfirio Diaz president, and Mateo Mogaña provisional governor.

In anticipation of this movement, the money in the custom-house, and, indeed, most of the money in the city, it is said, was placed on board the United States steamer Mohican. Efforts were being made at the date of the said communication to enforce a loan upon the inhabitants of the town. I have since learned that they exacted \$30,000 from the merchants.

Intelligence has been received at Mazatlan that the federal troops at La Paz, Lower California, have pronounced, and that Colonel Drake De Kay and party were driven away, on the 8th instant, by the soldiers from La Paz.

The government has issued decrees declaring the ports of Salina Cruz

and Puerto Angel, in Oaxaca, and those of Guaymas and Mazatlan, closed.

On the whole, the military situation is decidedly favorable to the government, and I shall be greatly deceived if the rebellion should not be suppressed in every part of the republic within the next two months.

I am, &c.,

THOMAS H. NELSON.

No. 277.

Mr. Nelson to Mr. Fish.

No. 487.]

LEGATION OF THE UNITED STATES,
Mexico, December 18, 1871. (Received January 11.)

SIR: On the 15th instant the first session of the sixth constitutional congress adjourned until the next regular session, in April, 1872.

President Juarez delivered, in person, an address, a copy and translation of which I inclose, (A and C.) I also inclose a copy and translation of the response of the president of congress, (B and D.)

I am, &c.,

THOMAS H. NELSON.

[Inclosure C.—Translation.]

SPEECH OF THE PRESIDENT OF THE REPUBLIC, DON BENITO JUAREZ,
AT THE CLOSING OF THE FIRST SESSION OF THE SIXTH CONSTITUTIONAL CONGRESS, DECEMBER 15, 1871.

CITIZEN DEPUTIES: At closing the first period of sessions, the sixth constitutional congress can congratulate itself with the idea that, in the presence of the actual crisis, it has effected all that could be anticipated from its patriotic efforts. In the first place, by the election of the President of the republic, it has given a legal termination to the political contention which was agitating the country, and which thus no one has been able to renew without rebelling against our institutions.

In continuation, you have discussed and approved the suspension of guarantees, initiated by the executive, in view of the extraordinary and difficult events, giving them, moreover, ample authority in the war and finance departments. Grateful for this confidence, and in the fulfillment of my duties as constitutional ruler, I protest to you that I shall make use of the faculties you have invested me with solely in that which may be strictly indispensable, and for the time necessary to re-establish the dominion of the law, laying them on one side, or not exercising any of them, as I have done on former occasions, even while the authorization for their use was still in force.

Lastly, you have decreed the penal code, and have authorized the executive to carry into effect, provisionally, the law of proceedings in civil and criminal matters for this district and Lower California. With these measures a great benefit has been obtained toward moral order; the immediate adoption of a clear and methodical legislation, suited entirely to the necessities of the times, in place of any other more or less vague and complicated, or opposed to the principles of modern civilization. It is to be hoped that these new legislative decrees will be imitated or adopted entirely by the other States of the federation, as has already occurred with the civil code; and then the amelioration to which you have so prudently given your sanction will become of general interest for the republic. Even were it for this legislative act alone, the good name of the sixth constitutional congress would be now preserved in our parliamentary annals.

While you are temporarily resting from your labors, the executive will direct all its efforts to extinguish the flame of the rebellion which threatens to destroy legal order, and therewith all the hopes of our population. The faculties you have been pleased to confer upon me would not suffice for the re-establishment of peace, if I did not count, as I fortunately do, on the co-operation of the people in general, who, day by

day, comprehend their interests better and better—interests identified with our institutions, and threatened with death by the civil war. To put a prompt and radical end to the latter is all that can be desired for the present; and to attain this, I trust to be assisted by your counsels, as well as by those of every Mexican who loves the honor, independence, and happiness of his country.

[Inclosure D.—Translation.]

REPLY OF THE PRESIDENT OF THE CONGRESS.—SESSION OF THE 15TH DECEMBER, 1871.

CITIZEN PRESIDENT: On the closing of the first period of its sessions, the sixth constitutional congress has the satisfaction of having fulfilled important duties in resolving the serious political questions presented at commencing its labors, as an inheritance from the late electoral term. The revision of powers required the lengthened and conscientious attention of the citizen deputies; and they had also to occupy themselves with no less solicitude in the presidential election, to the result of which all Mexicans were looking forward, as to whether it were to be the continuation of the legal regimen or the beginning of anarchy. The solution of so important a question, although confirming the constitutional tradition, was made a motive for the dissatisfied to raise the banner of rebellion. Congress, always watchful to dictate the requisite measures for re-establishing peace, one of the greatest blessing of the people, occupied itself in a detailed and rational discussion regarding the granting ample faculties to the executive in the war and finance departments, and the approbation of a suspension of guarantees, and thereby give additional strength to the authorities charged by our fundamental charter with the preservation of tranquillity and providing for the welfare of the republic.

Matters so serious require to be fully discussed, and have consequently occupied nearly the whole of the period ending to-day. Notwithstanding, congress has found time, not only to attend to certain ameliorations in the states and other affairs of private interest, but has also been enabled to decree a code of penal laws, which has been compiled by a board of distinguished counselors named by the executive, to take effect in the district and territory of Lower California, as respects ordinary crimes, and in the whole of the republic as regards offenses against the federation.

No one can be ignorant of the great benefit conferred upon the country by this decree, as no one is unacquainted with the important service rendered by the promulgation of the civil code, which has now become a general law, a great number of the States having adopted it. The penal code is a matter of greater interest still, because, although the civil laws which formally governed us were antiquated, it is also certain that, since the Roman laws, but little progress has been made in civil jurisprudence; but this has not occurred respecting penal laws, which have always received the beneficent influence of social improvement; it was, therefore, an incomprehensible absurdity that in the nineteenth century we should be ruled by the criminal laws issued in the Middle Ages, and dictated under the influence of the fanaticism, and the difference of the classes ruling at that time, which was a species of chaos, in which the gestation of modern civilization was being prepared; laws of which were, therefore, inapplicable in general, and which made room for arbitrariness of the judges, at all times dangerous; laws which have been reformed by the progressive institution of trial by jury, the adoption of which, inspired by the ideas of the time, has been developed according to the conceptions of the King Alfonso the Wise, at the commencement of the eighteenth century.

These slight considerations will suffice to show that the sixth constitutional congress has inaugurated its labors in a worthy and beneficial manner, and with a constant view to advancement.

But, moreover, experience having demonstrated the serious difficulties arising from the want of proceedings analogous to the ideas of the codes of law, this congress, anxious to complete its work, has authorized the executive to carry out the respective laws now under preparation. Therewith, Citizen President, we shall have been enabled to improve considerably the administration of justice; one of the affairs of most importance, as closely affecting the persons and property of the inhabitants of the republic.

The nation is persuaded that its representatives, animated with these intentions, will continue their exertions in its behalf in the coming sessions. Congress expects to dedicate itself in April next to so desirous a task, without having to pre-occupy itself with political disturbances, as it doubts not that the executive, armed with sufficient powers, will, ere then, have re-established peace, and will be able to deliver over to the chamber the powers conceded to it, and return to the inhabitants the guarantees it has been requisite to suspend.

No. 278.

Mr. Nelson to Mr. Fish.

No. 488.]

LEGATION OF THE UNITED STATES,
Mexico, December 18, 1871. (Received January 11.)

SIR: I inclose a copy of a note that I addressed to the minister of foreign affairs on the 13th instant, transmitting a copy of a dispatch from the United States minister at Paris, to the Department of State, respecting his conduct in extending his good offices in behalf of Mexican citizens in France, and also a copy of the response of the Secretary of State, (A and B.)

I now have the honor to inclose a translation of the reply of the minister of foreign affairs, dated the 15th instant, (B,) in which he manifests the gratitude of the government of Mexico to the Government of the United States, and our worthy representative at Paris, for the good offices of our legation in that city in behalf of Mexican citizens in France, and requests me to transmit his communication to the Department of State.

I am, &c.,

THOMAS H. NELSON.

[Inclosure A.]

*Mr. Nelson to Mr. Mariscal.*LEGATION OF THE UNITED STATES,
Mexico, December 13, 1871.

SIR: In compliance with instructions from the honorable Secretary of State of the United States, I have the pleasure of transmitting a copy of a dispatch from the United States minister at Paris to the State Department, Washington, reporting his action in extending his good offices in behalf of Mexican citizens in France, and also a copy of the reply of Mr. Fish.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

*Mr. Mariscal to Mr. Nelson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, December 15, 1871.

SIR: I have had the honor to receive your excellency's note of the 13th instant, in which, according to instructions from the honorable Secretary of State of the United States, you were pleased to transmit me a copy of a note which the minister of the United States at Paris had addressed to his Government, advising it of the good offices with which he had favored the Mexican citizens in France; and also a copy of the reply given by the Hon. Mr. Fish to the said minister, approving his course, and authorizing him to continue the same, if the French government should not object to it.

The government of Mexico has, on a previous occasion, manifested its gratitude for the good offices rendered by the representative of the United States of America in France in behalf of the Mexican citizens residing in that republic, and it is again exceedingly satisfactory for me to reiterate that manifestation, by means of your excellency, to the Government of the United States and its worthy representative at Paris.

Although Mr. Armand Montluc is named private commercial agent of Mexico in that city, having his residence No. 10 Rue Notre Dame de Lorette, and has, consequently, under his charge the care of the interests of Mexican citizens, his action for this purpose may in many cases be ineffectual, lacking as does the character of a public representative, recognized by the French government. For this reason, in similar cases, the good offices of the minister of the United States at Paris will always be of the greatest im-

portance for Mexicans, provided that they be allowed by the French authorities, as has been the case up to the present time.

Your excellency will have the goodness to make known this communication to the honorable Secretary of State of the United States, and accept anew the assurances of the high consideration with which,

I am, &c.,

IGNACIO MARISCAL.

No. 279.

Mr. Nelson to Mr. Fish.

No. 490.]

LEGATION OF THE UNITED STATES,

Mexico, December 29, 1871. (Received January 11, 1872.)

SIR: At the date of my last general despatch, (December 9,) the federal troops, under Generals Alatorre and Rocha, were on the borders of the States of Oaxaca, Vera Cruz, and Puebla, observing the movements of the revolutionary General Porfirio Diaz, whose intentions were then imperfectly known. Alatorre was at Huajuapam and Diaz had his headquarters at Tlaxiaco. Rocha, after pursuing the enemy's cavalry as far as Teotitlan, had returned to Tehuacan. A great battle was expected every hour, but suddenly General Diaz passed directly between the two federal armies, with about one thousand cavalry, and on the 11th instant appeared in the vicinity of Matamoras, Ysucar, in the State of Puebla, and hastily raised a small forced loan. On the 14th instant he entered the State of Morelos and attacked Jonacatepec, which he was unable to enter; thence, turning by the volcano of Popocatepetl, and continuing his course northward, with incredible rapidity, he reached Chalco on Sunday, the 16th instant, and Tezcoco on the 17th, both of which cities are in full view from this capital. After resting a few hours at Tezcoco, he marched for the Llanos of Apam. On the 19th he he was at Tlaxco, in the State of Tlaxcala. Here about one hundred and fifty Indians attempting to interrupt his passage, he routed them, and many were made prisoners. From Tlaxco he passed to Chiquahuapam, from there to Acatlan, thence to San Andres Chalchicomula, thence to the Cañada de Yxtapa, and after traversing the haciendas in the neighborhood of Talmacan, arrived on the 26th at Teotitlan, where it is supposed he is at this moment. During that rapid march of fifteen days, General Diaz was closely pursued by the cavalry of General Rocha and by another force sent from this city, under the command of General Flores, but he has hitherto kept a few hours in advance. Rocha arrived at Tehuacan before him, but Diaz, by making a small circuit, avoided the town.

The purpose of General Diaz in making this extraordinary *détour* is not obvious. By some it was conjectured that he intended to enter the city of Mexico, (then defended by a small guard,) where a general uprising in his favor was expected; but it is more probable that his object was to escape from the federal forces that were closely hemming him in, and to endeavor to augment his force by gathering up all the scattered bands of revolutionists in the Valley of Mexico. Whatever his design may have been, the movement certainly failed in accomplishing any practical result. He is now near his original point of departure, surrounded by a superior force, and it will be almost a miracle if he again escapes.

On the 12th instant General Alatorre occupied Tlaxiaco, in the northern part of the State of Oaxaca, which had just been evacuated, five

hundred of the rebels retiring to Chilapilla, and the remainder, under the command of General Luis Mier y Teran, fortifying themselves at San Mateo. The five hundred men at Chilapilla were routed by General Ceballos on the 14th instant. Intelligence has just been received that the federal general Loaesá had overtaken the rebels at San Mateo, where a desperate battle was fought, beginning at midnight on the 22d, and terminating at 7½ o'clock next morning. At that hour, says General Alatorre in his dispatch to the government, "the position was taken, with all the artillery of the rebels, ammunition, mules, provisions, and an innumerable amount of other articles. The enemy fled, leaving a large number of killed, wounded, and prisoners."

The loss of the federal force appears to have been heavy also. General Leyva was killed; General Loaesá, Colonel Cáceres, and many other prominent officers were wounded. This victory will have an important influence upon the campaign in Oaxaca, and will probably be the last considerable battle that will be fought in that State.

To-day General Alatorre is expected to invest the fortified city of Oaxaca, which will probably surrender after a few days' siege, and thus will end the revolution in that part of the republic.

In the north it is conceded that the rebel general Geronimo Treviño has occupied the city of Saltillo, and is now probably marching toward San Luis Potosí. It is thought that he is in a critical position, with Generals Palacios, Cortina, and Cepeda in his rear, and General Corella with a respectable force in front. A large force is now accumulating in this city to march to the relief of San Luis, and if the campaign in Oaxaca should be speedily closed, the Government will have ten or twelve thousand troops at its disposal to crush the revolution in the interior. In Querétaro the rebels have laid down their arms.

In Sonora, the rebels who took the port of Guaymas were routed at Alamos, by General Pesquera. All the chiefs, and most of the garrison that pronounced at Guaymas, were killed or taken prisoners. On the 24th instant, the rebel general García de la Cadena attacked the city of Aguas Calientes, with four hundred cavalry and one hundred infantry, but he was vigorously met and finally repulsed by General Castillo.

The prospect of an early termination of the rebellion is brightening every day. The government is earnest and confident, while the opposition is becoming rapidly demoralized. It is now manifest that, with the exception of a few restless and ambitious spirits, the people are tired of revolution and desire peace. If the expectations of the government be realized in the prompt suppression of the revolution, it is probable that another armed insurrection will not occur during the present term of President Juárez's administration, or perhaps for many years.

Taking advantage of the absence of the usual guards on the highways and in the towns and villages, the robbers and kidnappers are committing the greatest excesses and depredations. Robberies and murders are of daily occurrence, and it has become unsafe to approach the gates of this city or visit the fashionable drives without a sufficient guard. The Mexico and Puebla Railroad has recently suffered three attacks from these banditti. The passengers were robbed of their arms, and in some instances of their money and jewelry. The station-house at Ometusco was attacked, pillaged, and burned, and several persons killed.

The revolution suppressed, the government will no doubt occupy itself in the destruction or dispersion of these outlaws.

I have, &c.,

THOMAS H. NELSON

No. 280.

Mr. Nelson to Mr. Fish.

No. 495.]

LEGATION OF THE UNITED STATES,
Mexico, January 9, 1872. (Received January 29.)

SIR: As a consequence of the victory obtained on the 23d ultimo, at San Mateo Sindelui, by the forces under the command of General Alatorre, that officer moved from his headquarters at Nochistlan about the 30th ultimo, penetrating into the valley of Oaxaca. On the 3d instant he had invested the capital of the State, and was preparing for a night assault, when the commander of the garrison surrendered that city, with its forts, artillery, provisions, and four hundred men; the remainder of the insurrectionary forces, with the two brothers Diaz and their principal officers, having previously made good their escape in the direction of Puerto Angel, the nearest sea-port on the Pacific. It is known that a vessel has been lying in that port for the past two months, at the orders of the brothers Diaz, and, should they succeed in embarking with the scanty remnants of their elements of war, it is believed that they will proceed to Mazatlan.

The significance of this event, as demonstrating the utter impotence of General Diaz in his own State, and presaging the speedy termination of the revolution, is unmistakable, especially when taken in connection with the fact that the leaders of the revolution in the northern States have been unable to make any progress since the taking of Saltillo, a month since. Serious dissensions have occurred between Generals Treviño and Pedro Martinez as to their plan of operation, and the former is reported to have retreated with his forces into his own State of Nuevo Leon. The governor of San Luis Potosi, General Diaz de Leon, who, a few days ago, protested against the declaration of martial law, and left that State with several hundred troops, has again recognized President Juarez, and placed his forces at his disposal. At the same time, General Antillon, governor of Guanajuato, who has previously observed "a policy of neutrality," has openly taken part for the government with the numerous forces of that State.

In the States of Sonora and Sinaloa the situation has also improved, and the rebels are nearly reduced to the port of Mazatlan, where they have made themselves so unpopular by their exactions and forced loans that even the anticipated arrival of Porfirio Diaz will scarcely enable them long to resist the advancing forces of Governor Rubi and those of the general government.

As anticipated in my last general dispatch, the successful result of the campaign against Oaxaca will enable the government to employ several thousand of its best troops against the northern States, and it may be confidently anticipated that peace will be soon restored, and that the stability of the present government will be assured for four years to come.

Under date of yesterday, President Juarez issued a decree conferring the government of Oaxaca provisionally upon General Alatorre, until an election for State officers can be held.

I am, &c.,

THOMAS H. NELSON.

No. 281.

Mr. Nelson to Mr. Fish.

No. 502.]

LEGATION OF THE UNITED STATES,
Mexico, January 17, 1872. (Received February 2.)

SIR: Since the occupation of Oaxaca by the forces of General Alatorre, the situation of affairs in Mexico has not essentially changed. The brothers Diaz, instead of having fled together, as was at first announced, separated at the approach of the federal troops, Felix taking the road for the Pacific, and Porfirio, with his principal officers, proceeding northward, through the Sierra of Ixtlan, toward the State of Vera Cruz. He has been closely pursued by the forces of Alatorre and Rocha, but the government, doubtless for good reasons, keeps silence as to his present whereabouts. It is believed that he is already in the southern part of Vera Cruz.

Several engagements with small parties of the insurgents have taken place within a few days, and all of them resulted in favor of the government, but no new battle has been fought. The nation seems to have become satisfied that the government will speedily triumph, and already looks forward to an era of peace.

It is thought that General Rocha, who has arrived at Tehuacan, is on his way to Vera Cruz, to embark for Matamoras, and attack the northern rebels in the rear, while Generals Corella and Neri press them in front.

Mr. Miquel Castro was yesterday appointed by the President as provisional governor of Oaxaca.

I am, &c.,

THOMAS H. NELSON.

No. 282.

Mr. Nelson to Mr. Fish.

No. 504.]

LEGATION OF THE UNITED STATES,
Mexico, January 27, 1872. (Received February 16.)

SIR: I have the honor to send herewith a copy and synopsis (A and B) of a notable article upon "Cattle-stealing on the Frontier," written by Don Emilio Velasco, and published on the 4th instant in the Siglo XIX, of which paper he is one of the editors. The author was a prominent member of the last congress, representing the northern district of Tamaulipas, which is that of the Texan frontier, and he was formerly secretary of the government of that State. He belongs to the Lerdist party, and consequently his opinions and suggestions regarding the conduct of the Mexican government in this matter are entitled to considerable weight.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.]

CATTLE-STEALING ON THE FRONTIER.

BY DON EMILIO VELASCO.

Summary of article in Siglo XIX, of January 4, 1872.

After quoting the paragraphs of President Grant's late message which relate to Mexico, Mr. Velasco observes that the allusion to "lawless persons on the frontier" has a very plain meaning.

For three years past the owners of cattle-farms in Texas have complained of robberies by parties of Mexicans, and particularly since General Cortina was sent to command a part of the frontier garrison. From that time it was charged that such robberies were connived at by General Cortina, and that some of his subordinates even participated in them. Without presenting any specific case in which General Cortina figures as an accomplice, it was alleged that neither the State nor the federal authorities on the frontier of Tamaulipas were able to resist any demand of General Cortina, who often ordered the liberation of persons accused of very grave crimes, and that many of the cattle-robbers were on intimate terms with him. From these facts it was inferred that the condition of the Mexican frontier afforded no guarantees of good order, and that the inhabitants of the American border were liable to still further depredations by organized Mexican banditti, protected by the frontier authorities.

In examining these complaints, we shall endeavor to separate what appears to us exaggerated from that part in which we think the American government entirely in the right.

There are many persons on both sides of the frontier who live by crime, especially by smuggling and by cattle-robbery. There is nothing strange in this, for we have noticed that the same thing happens upon nearly all frontiers. Such persons take refuge alternately on both sides of the line, and generally succeed in eluding the action of the laws and of the authorities of both countries. In the years immediately following the treaty of Guadalupe Hidalgo, the raising of cattle in Texas had not yet acquired its present importance, while the haciendas of Tamaulipas and Nuevo Leon possessed great numbers of cattle. As that time our frontier States suffered from the same evil of which the Texan proprietors now complain.

It should be noted that the Texan authorities of the interior then pursued a conduct different from that of the authorities along the Rio Bravo. The former comprehended the evil of tolerating such deeds, and saw that it was probable that the same malefactors who then committed robberies in Mexico would ultimately perpetrate similar crimes within the American lines. Their foresight was so clear that there was presented, and we think passed, in the Texas legislature, a law giving the Texas courts jurisdiction over cases of cattle-robbery committed in Mexico, if the stolen cattle were sold in Texas.

It may be asserted that, as a general thing, the Texan authorities in the interior were guided by principles of complete equity, and that they restrained the commission of such crime to a very considerable extent, though not entirely. The Texan authorities of the frontier observed a different conduct. If they did not protect the stealing of cattle from our country, they were at least indifferent, and sometimes refused to entertain complaints made before them. All this is explained by the natural rivalry between the two banks of the river, which will also account for something more than passive acquiescence on the part of our neighbors when, in 1851 and 1861, Matamoras was attacked and partially burned in our partisan wars.

For many years the cattle-stealing on the frontier was almost exclusively committed by Texans in Mexican territory. Of late, the conditions have changed. The herds of cattle are now more numerous in Texas than in Mexico, so that it is at once easier and more profitable for the same bandits who have so long practiced this industry in Mexico, to transfer the scene of their depredations into Texas. Hence the present outcry against Mexican incursions across the frontier.

We are not of those who delight in reprisals and who take pleasure in knowing that the Texans are now robbed instead of ourselves. For us a crime is always the same, wherever or by whomsoever committed. The proprietors on the Mexican frontier are of the same opinion, for they know that the cattle-thieves care nothing for nationality, and that as soon as the cattle-farms of Tamaulipas and Nuevo Leon recover from their present prostration, they will again suffer the same plague. Finally, there are innumerable Mexican families whose possessions lie in Texas, where they suffer the same depredations as the American citizens. There is, then, an especial interest for both frontiers in putting down these robberies, and the more so, since the robbers are generally smugglers as well, and ready to commit any crime.

It is, therefore, an error to suppose, as some American papers have done, that the mass of the Mexican population along the line of the Rio Bravo sympathizes with the robbery of cattle from Texas.

The action of the authorities of both frontiers might profitably be combined to the advantage of both countries. It might be arranged that the authorities of the places where stolen cattle are sold should proceed against the robbers or their accomplices, reputing in the latter capacity those who buy cattle without the sale-mark of the first owner. It might also be arranged that such cattle be returned to the claimant, upon the simple evidence of their bearing his mark, uncanceled by the sale-mark. These measures would be partly a subject for a treaty, and partly for State legislation; but when once the two federal governments shall have come to an understanding, it will behoove them to recommend to the governments of their respective frontier States the adoption of such legislation as shall be deemed most appropriate; and we do not doubt that such recommendations, being in the interest of the settlers on both frontiers, would be favorably received.

Nevertheless, we should not delude ourselves into the belief that any such beneficent measures could entirely extirpate the evil in question. Both frontiers are too sparsely populated, and the facility of crossing the Rio Bravo at all points is too great to make this possible.

The principal difficulty, therefore, consists in the lack of population, and this cannot be promptly removed by either government; consequently, such robberies will continue to take place upon a greater or a smaller scale, according to the wisdom of the preventive measures.

We think that the American Government is aware of these facts, and that its principal complaints arise from the presence of General Cortina on the Mexican frontier.

We do not know whether the actual complaints against the conduct of this officer are well or ill founded, but assuredly the dictates of a sound policy should have prevented his being there employed in a public capacity.

In 1859, Cortina was an inhabitant of Texas, where he had a small estate. He had some personal difficulties with the authorities of Brownsville; he proclaimed war upon the Americans, and, having raised a party of four or five hundred men, he entered Brownsville. Being afterward defeated, he had to take refuge on the Mexican frontier. From that time he began to figure in our civil wars, in which he rose to the grade of general. His conduct in Texas was not calculated to leave pleasant memories, and his mere name inspires aversion to all the Texans of the frontier. His late arrival on the Rio Bravo coincided with the increase of cattle-stealing in Texas; and though the two occurrences have no necessary connection, our neighbors have inferred from his antecedents that General Cortina protects the criminals. The American Government undoubtedly considered the sending of General Cortina to the frontier as an inconsiderate or even an unfriendly step on the part of our government. We are satisfied that the Mexican government, in so doing, was actuated exclusively by considerations of internal policy, but, nevertheless, it ought to have reflected well before taking that step. Perhaps it would not be prudent for our government, at this crisis, to withdraw General Cortina, but our rulers should remember that difficulties with the American Government arise with the greatest ease on the frontier, and that, therefore, they should send thither persons of recognized tact and ability.

No. 283.

Mr. Nelson to Mr. Fish.

No. 505.]

LEGATION OF THE UNITED STATES,
Mexico, January 27, 1872. (Received February 16.)

SIR: I herewith inclose a copy and translation (A and B) of a decree, dated the 25th ultimo, issued by President Juarez, by virtue of his extraordinary faculties, permitting the transit of foreign merchandise for exportation from the Mexican frontier custom-houses to the nearest Mexican sea-ports, and *vice versa*; and also from a similar transit between such sea-ports, in conformity with the regulations therein laid down.

I am, &c.,

THOMAS H. NELSON.

[Inclosure in B.—Translation.]

TREASURY DEPARTMENT, FIRST SECTION.

The President of the republic has been pleased to address me the following decree :

BENITO JUAREZ, constitutional President of the United States of Mexico, to the inhabitants thereof, know ye :

That in the exercise of the faculties granted to the executive by the third article of the law of the 1st instant, I have thought proper to issue the following decree :

ARTICLE 1. The transit of foreign goods across the Mexican territory is hereby authorized from the frontier custom-house of the republic, near the coast, to the neighboring ports, and, *vice versa*, from the ports of the republic, near the frontier, to the neighboring custom-houses of the frontier, upon the conditions laid down in this law.

ARTICLE 2. The transit of foreign goods from one port of the republic to another is also authorized under the provisions contained in this law, and in the regulations and other precepts which the executive will promulgate for each case, according to circumstances, in order to prevent fraud ; reserving the right to refuse such transit, in whole or in part, whenever in his opinion there may be danger that such permission would be abused in order to defraud the treasury, without the necessity of conceding a term, or of giving previous notice.

ARTICLE 3. The employes of the port or frontier custom-house, who shall permit the entry of goods for such transit, shall exercise respecting them all the faculties conceded by the laws concerning foreign goods destined to be consumed within the republic. Such goods may be examined during their transit through Mexican territory by the fiscal agents of the federal government.

ARTICLE 4. The goods so entered for transit, whatever may be their quantity or quality, shall be protected by safe-conducts, issued by the port or custom-house where introduced.

ARTICLE 5. The introducers of such goods shall give bond, to the satisfaction of the collector of the port or frontier custom-house, for the entire amount of the tariff dues, to be paid in case the return safe-conduct shall not be presented at the expiration of the proper term.

ARTICLE 6. The term for the presentation of the return safe-conduct shall be one day for every three leagues of the road which the goods must take in order to leave Mexican territory, and ten days more for each fifty leagues, but not to exceed in any case the total term of three months for the cases comprehended in the first article of this law, and of six months for the cases coming under the second article. At the expiration of the term designated in the safe-conduct, the bond will be forfeited without admitting any allegation to the contrary.

ARTICLE 7. Merchandise in transit must be taken by the route laid down in the safe-conduct. Any variation from this route will be considered a case of smuggling, and the penalty laid down in the first clause of article 26 of the general customs regulations of January 31, 1856, will be applied to said goods.

ARTICLE 8. On dispatching such goods for transit from the port or frontier custom-house where introduced, the packages will be examined anew by the collector, the inspector, and the commander of the customs-guards, comparing them with the inventory which is to be inserted in all safe-conducts.

ARTICLE 9. Foreign goods for simple transit will pay on the issuance of the safe-conduct at said port or frontier custom-house five per cent. in coin of the total duties imposed thereupon by the present tariff. This duty will be the only one to be paid to the federal treasury by such goods for their simple transit, and they shall remain exempt from any additional or even municipal duties, whatever may be the locality to which they may be conducted.

Therefore, I order the above decree to be printed, published, circulated, and duly obeyed.

Given in the national palace at Mexico, December 25, 1871.

BENITO JUAREZ.

The Citizen MATIAS ROMERO,
Minister of Finance.

And I communicate it to you for its due observance and the consequent effects.
Independence and Liberty !

ROMERO.

MEXICO, December 25, 1871.

No. 284.

Mr. Nelson to Mr. Fish.

No. 507.]

LEGATION OF THE UNITED STATES,
Mexico, January 29, 1872. (Received February 16.)

SIR: Referring to my dispatch No. 505, I have the honor to inclose a copy and translation (A and B) of another article by Mr. Emilio Velasco, published in the Siglo XIX of the 10th instant, upon the subject of the Free Zone.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

OUR RELATIONS WITH THE UNITED STATES—THE FREE ZONE.

Article by Don Emilio Velasco, in the Siglo XIX, of January 10, 1872.

The second point embraced in the message of President Grant, in the part relating to Mexico, is the Free Zone. When this question arose in congress, we defended the Free Zone, and some American papers gave to our words a very different signification from that intended. We believed that upon the maintenance of the zone depended the prosperity of the Mexican frontier, but at the same time we had carefully studied the question whether the evils of which the American Government complains arise from it, in order to find out, in that case, some means of harmonizing the interests of both frontiers. In itself, this question belongs to internal and domestic policy, and it is consequently outside the sphere of diplomacy and of any action of a foreign government; but if in this measure is involved an act of hostility from which direct prejudice would result in the United States, we should not hesitate to grant that the American Government is in the right. By what we have read in the American press, we note that the Free Zone is not at all understood, which is not strange, as in our own country the same mistake has been made as in the United States, and it even found an echo in the Mexican congress, among the opponents of the Zone. This error consists in supposing the existence of a strip of territory along the Rio Bravo through which all kinds of merchandise are allowed free transit, and, as a necessary consequence, an almost unlimited facility for smuggling into both countries.

It is unquestionable that for four years past such smuggling has been practiced in both directions, though not on so great a scale as has been supposed. We will confine ourselves at present to an explanation of the causes of the smuggling carried on from our frontier to that of the United States, with a view to the corrections needed by both countries.

The fiscal institution in question is improperly called a "Free Zone," and ought rather to be called a "region of free consumption." The law provides that all the merchandise imported at Matamoras, and at five other towns along the Rio Bravo, shall pay no import duties, so that such merchandise, in order to enjoy this privilege, must necessarily be entered at one of six custom-houses, under pain of confiscation as contraband. All the customary formalities of introduction must be performed, and the exemption is merely from the payment of duties.

When once the goods have been introduced into one of these six towns, they cannot be freely extracted thence, either to the interior of the republic, to another town of the same zone, or to the American frontier. In the first case, the goods must pay the usual duties and present a safe-conduct to one of the officers of the counter-guard, which are now established at a great distance from the line of the Rio Bravo. In the second case, the goods pay no duties, but must be dispatched with all the customary formalities and safeguards against fraud.

In the third case, the goods dispatched for the United States must pay a transit duty amounting to 25 percent. of the importation duty, and must be sent by certain specified passes of the Rio Bravo, all situated in front of American towns, and watched by Mexican customs employes, under penalty of contraband traffic.

Our legislation consequently tends to protect the American revenues from fraud. The Free Zone cannot, therefore, be considered as a direct cause of smuggling from our frontier to that of the United States. This fact is proved by statistics. The Free Zone was established in 1858. Since that time it has passed through two periods, by the comparison of which our conclusion is justified.

From 1858 to 1861, *i. e.*, before the American civil war, there was no smuggling from Mexico into Texas. It was only in 1867, when the re-establishment of peace in both countries restored the normal condition of things, that smuggling commenced. In both these periods the "Free Zone" has existed, and in the first of them the American revenues were not defrauded; which fact proves that the true cause of the smuggling of which the American Government complains, has arisen since 1861. And, in fact, this cause is no other than the high American tariff established during the civil war; consequently, the question of smuggling on the American frontier is reduced to a tariff question. Merchandise has, on the American frontier, so high a price that the Texans are driven to seek in our towns what they need, obtaining it at low prices, and smuggling it across the river. This circumstance also explains the fact that the merchants of Brownsville are, in general, engaged in this illicit traffic, as the only means of competing with Mexican commerce on the frontier.

The opponents of the Free Zone find, in this fact, the point of contact between that zone and the smuggling carried on with the United States. Smuggling, say they, will be carried on in proportion to the profits it affords, and according to the relative cheapness of goods on the Mexican frontier will be the extent and the profit of smuggling. From this it follows that the exemption from duties and consequent cheapness of foreign goods along the Mexican frontier gives occasion to smuggling into the United States. This is the argument of the American opponents of the zone; but a similar argument proves our own assertion, namely, that the Free Zone is not the direct cause of smuggling into the United States, and that the direct cause is to be found in the high American tariff.

If the American Congress should reduce the tariff, the chief motive for smuggling would disappear; while if the Free Zone should be abolished, under the present circumstances, there would still remain in the difference of the two tariffs a sufficient incentive for the continuance of smuggling.

The proximity of the principal Mexican and American towns on the frontier is so immediate that only an absolute equality of duties could destroy the temptation to defraud the customs. Matamoras and Brownsville are so closely linked together in situation and in business interests that, without exaggeration, they may be considered as wards of the same city. It follows that every fiscal measure adopted in either of them directly affects the prosperity of the other. The establishment of a line of steamers between Brownsville and New Orleans would divert into that channel a great part of the foreign commerce of Matamoras; and this simple circumstance, if combined with the abolition of the zone, would cause an immense amount of smuggling into our country.

Careful observers may satisfy themselves of the exactness of these observations by studying the history of the frontier since 1848. The evil effects of the high American tariff is now felt throughout the United States; but those effects are more perceptible on the frontier, through the contrast with the Mexican system. At various periods since 1848 the contrary has been the case. High protective duties in Mexico have had to struggle against a low American tariff, and the system of drawbacks in the American ports, which brought about an active contraband traffic from Texas into Mexico. These considerations prove that the total extinction of such alternate fluctuations could only be effected by an absolute, and, consequently, impossible identity of political, topographical, and fiscal circumstances on the two frontiers. The mere enunciation of this fact suffices to show that the remedy for present evils must be sought in a different order of ideas. The American Government imagines that the only remedy is the abolition of the zone. The above considerations show how far we are from admitting that opinion; and, furthermore, we do not hesitate to affirm that such a measure, instead of solving, would but complicate the difficulty, as it would cause a double contraband traffic; first from the American frontier to ours, and afterward *vice versa*.

Moreover, our government, in seeking an amicable solution of this question as a mark of deference to the Government of the United States, should not forget to befriend the commercial interests of the frontier and the fiscal interests of Mexico. Some indications on this subject will be given by us in a future article.

No. 285.

Mr. Nelson to Mr. Fish.

No. 508.]

LEGATION OF THE UNITED STATES,
Mexico, January 29, 1872. (Received February 16.)

SIR: The military situation in Mexico has not essentially changed since the date of my last general dispatch. There have been numerous

partial engagements in various directions, all resulting, so far as is yet known, in the triumph of the government. The most important of these have been the defeat of the rebel General Jimenez in the State of Guerrero; that of General Negrete, in the State of Tlaxcala; the repulse of Garcia de la Cadena from Colotlan; of Betanzos from Huamantla; and of Carvillo from Chalechicomula; the capture of Zongolica by General Rocha; and the defeat and death of the marauder Llanos, near Cuernarraca.

General Porfirio Diaz, after traversing the sierra of Oaxaca, arrived at Zongolica on or about the 15th instant, and is believed to have separated from the few hundreds of his troops, escaping almost alone into the sierra of the north of Puebla. General Rocha moved northward after the fall of Oaxaca, and now has his headquarters at Orizaba. He will doubtless soon be sent against the rebels of the north. A battle of great importance has been imminent for some days, near Fresnillo, in Zacatecas, between General Neri and the rebel general Guerra. Each of the combatants has between three and four thousand men, and the government is hurrying forward re-enforcements under the command of General Sanchez Ochoa.

On the northern frontier, General Treviño was at last advised at Cerralvo, near the Rio Grande, and seems to have no present intention of attacking San Luis Potosi. Robberies have multiplied of late in the vicinity of this city; they being perpetrated by notorious bandits, in the guise of revolutionists.

The railroad train from Puebla has been twice robbed; several of the stations have been sacked and burned, and the neighboring State of Hidalgo is so completely overrun by bandits that President Juarez yesterday declared it "in a state of siege," i. e., proclaimed martial law.

Notwithstanding the uncertain state of the country, the Mexico and Vera Cruz Railway Company is pushing forward the work of that line with the utmost activity, employing several thousand laborers, and announces its intention to complete the road within the time of the contract, which expires on the 11th of November next. About one-half of the line remains to be built, but the principal engineering difficulties have been already surmounted. In view of the approaching completion of this road, the Mexican newspapers are now recommending a project for a universal exposition, to be held in this city in May of next year.

In a famous libel suit brought by Secretary Romero against D. Juan A. Zambrano, for having charged him with malversation of the public funds, judgment has been rendered in the last instance, confirming the former sentence, which condemned defendant to a fine of \$500 or to a year's imprisonment.

I am, &c.,

THOMAS H. NELSON.

No. 286.

Mr. Fish to Mr. Nelson.

No. 215.]

DEPARTMENT OF STATE,
Washington, January 31, 1872.

SIR: I transmit a copy of a letter of the 25th instant, addressed to this Department by Mr. R. C. McCormick, the Delegate in Congress

from the Territory of Arizona, and of the letter to me from Governor Safford, of that Territory, to which it refers. These papers relate to the persistent attacks on the persons and property of citizens of Arizona near the border, by bandits from the Mexican State of Sonora. The Department has repeatedly written on the importance of putting a stop to them.

I am, sir, your obedient servant,

HAMILTON FISH.

[Inclosure 1.]

FORTY-SECOND CONGRESS UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1872.

SIR: As you are not in receipt of the original of Governor Safford's letter of December 29, 1871, I now have the honor to furnish you a copy from that sent to me, and read to you during our recent interview. I trust, as then suggested, that you will give to the unfortunate state of affairs upon the Arizona border your prompt consideration, and furnish the governor with any instructions you may deem proper under the circumstances. I also hope that you will advise our minister to Mexico of the serious difficulties likely to ensue unless the lawlessness of certain citizens of Sonora is promptly recognized and punished, and instruct him to ask the attention of the government of the republic of Mexico to the matter as one worthy of notice, and that should not be overlooked, even if the treaty stipulations do not absolutely provide for the surrender of persons engaged in such cases of wrong-doing as the governor of Arizona recounts.

Your obedient servant,

R. C. MCCORMICK,
Delegate from Arizona.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosure 2.]

TERRITORY OF ARIZONA, EXECUTIVE OFFICE,
Tucson, December 29, 1871.

SIR: I had the honor to transmit to you, February 14, 1871, a communication giving information of the insecurity of life and property in this Territory, along and near the Mexican border, in consequence of frequent murders and robberies committed by Mexican subjects, who invariably escape to Mexico; and particularly referring to the Mission Camp massacre, with my action in the premises, and the refusal of the governor of Sonora to surrender the criminals, coupled with a statement from him that he had referred the question to the supreme government of Mexico. I subsequently learned from Mexican newspapers that the supreme government decided in effect that Mexican subjects having committed crimes on the soil of the United States, should not under the treaty be given up for punishment to the authorities of the United States, nor was it a proper cause for punishment within the republic of Mexico. This decision did, as I predicted it would in my communication of February 14, "act as an incentive to the numerous bands of outlaws who infest that country to increase their criminal depredations on our soil." Within a few months one man was murdered on the Gila River, while asleep. Another was shot from his horse near the same place; but a few days since Wm. Wright was murdered, sixty miles south of here, while asleep, and his head was cut off; and on the 21st instant, John W. Baker, his wife, and boy about seven years old, were brutally murdered sixty miles west of this place, and a child of the age of five months perished for food and from cold, after its mother was murdered. I followed in person this last band of outlaws, and came so close to them that they were obliged to abandon the horses they had stolen, but succeeded in making their escape into the mountains beyond the line. This last horrid massacre has aroused the indignation of all the good people of the Territory, both Mexicans and Americans, and it is with great difficulty that retaliation is prevented.

Earnestly desirous of maintaining friendly relations between this Territory and the State of Sonora, and feeling well convinced that the repetition of such outrages as that of the 21st might place the matter beyond my control, I have deemed it advisable to send, unofficially, a Mexican, who was formerly a private secretary of Governor Pesqueira, to him, with a plain statement of the facts, and have asked him, in order to pro-

mote friendly relations between this Territory and Sonora, to devise some plan by which these criminals may be punished. Well known and reliable Mexican subjects residing here have also written him in similar tone, and I have strong hopes that the governor will see the importance of complying with our request. If, however, this should fail, and no punishment follow for the perpetration of these outrages, these outlaws will increase their depredations until it will be impossible to inhabit our Territory near the Mexican border, and I fear retaliation will follow that will place the two countries in a semi-state of war. If our Government could sustain us in following and capturing these outlaws into their own country, we could and would, without further assistance from the Government, soon bring them to terms, and put a stop to these crimes on our own soil; but I am aware that such a course would not be in compliance with the treaty existing between the two governments. Yet I do not consider that Mexico is acting the part of a neighbor in allowing her outlaws to murder and rob our people without making an effort to stop it. Some relief might be obtained by requiring Mexican subjects to procure passports; those found without them, after a reasonable notice, be compelled to leave the country.

In view of this disturbed condition of affairs, I should be pleased to receive such instructions as you may consider will aid me in the discharge of my duties, and, if possible, adopting such measures as will secure life and property against these outlaws. I inclose a copy of our local paper of to-day, which contains the report of the coroner's jury, and some further information upon the late massacre.

Very respectfully, your obedient servant,

A. P. K. SAFFORD,
Governor.

Hon. HAMILTON FISH,
Secretary of State, Washington, D. C.

[From the Arizona Citizen, Tucson, Arizona, Saturday, December 30, 1871.]

THE BAKER FAMILY MASSACRE.

Following is the report of the coroner's jury that investigated the circumstances of this frightful atrocity:

TERRITORY OF ARIZONA, COUNTY OF PIMA,
Blue Water Station, December 24, 1871.

Before John S. Thayer, coroner, in the matter of inquisition upon the bodies of John W. Baker, Mrs. Julia Baker, William Baker, and John Baker, deceased.

We, the undersigned, the jurors summoned to appear before John S. Thayer, coroner of Pima County, on this 24th day of December, 1871, to inquire into the circumstances of the death of the parties aforesaid, whose bodies now lie before us, find that John W. Baker was a native of New London, in the state of Iowa, aged about thirty-one years; that he died from the effects of two gunshot wounds, one in the breast and the other through the throat; that said wounds were inflicted by persons whose names are unknown in the jury. That Mrs. Julia Baker, wife of J. W. Baker, was from New London, Iowa, aged about thirty years; that she died from the effects of six buckshot wounds in the left breast; that said wounds were inflicted by persons the names of whom are unknown in the jury. We find that William Baker was a son of J. W. and Julia Baker, aged eight years; that he died from the effects of a pistol-shot wound in the back, inflicted by unknown persons to the jury. We find that John Baker was an infant-son of J. W. and Julia Baker, aged five months; that he died from exposure to the weather, while lying on the ground near his dead mother. We find that the deceased, one and all, died on the evening of the 21st of December, 1871.

We further find that the deceased, John W. Baker, had, on the 19th, 20th, and 21st instant, four Mexicans employed in cutting and hauling hay to his house; that on the evening of the 21st, said Mexicans had unloaded their hay, leaving their tools on the wagon; that said four Mexicans were seen the night of the 21st in possession of the two horses belonging to said Baker, and on the road to Sonora; that on the morning of the 22d said Mexicans were seen on the road, in possession of said horses, and about forty miles from Blue Water Station, the home of deceased.

It appears to the jury, in tracing the effects to the causes which produced them, that Mr. Baker was about eight feet from the kitchen-door, and while in the act of delivering some provisions, with his scales in hand, to one of the Mexicans, he was shot by two others from behind a wall about eight feet distant, and he fell where he stood. Mrs. Baker was putting supper on the table, and, hearing a noise, ran out of the door with her babe in her arms, and was confronted by the assassins with the double-barreled shot-gun belonging to the station. She seized the muzzle of the gun in her left hand, and while holding to it, it was discharged, one shot passing through her left hand, between the thumb and fore-finger, the powder burning her arm, and setting her

sleeve on fire, six shot taking effect in her left breast. She had dropped the child about six feet from her husband, and fell about two feet from it. Their little boy had run out at the time, and, in the act of running back, was shot in the back by a pistol-ball. He lived for some minutes, his little boots being full of blood, and the wall being bloody in several places where he had leaned against it. The Mexicans then broke open two trunks, searching the house generally for money, but took away but little, if any, clothing, and it is believed but very little money. Two of them mounted the two horses, and the others followed behind, holding to the horses, and thus made long and rapid strides for Sonora.

JOHN B. ALLEN, *Foreman*.
SAMUEL B. WISE.
MILTON WARD.
CHARLES LASSEN.
SAMUEL LEWIS.
WILLIAM MACKAY.

This morning Charles O. Brown reports having learned the names of the murderers, as follows: — Francisco, — Serbantes, and José Montez; the latter two reside at El Rial de Guadalupe, and all in Sonora.

WORK OF THE BANDITS.

We have heretofore published the interpretation of our extradition treaty, as given by the supreme government of Mexico, and pronounced it as very bad, and that it could but engender more slaughter of our citizens, for it practically said that any citizen of Mexico might proceed into United States territory, and rob and assassinate whom he pleased, and return and receive the protection of his government; in plainer terms still, it was an official invitation to citizens of Mexico to rob and murder Americans on American soil with safety assured in advance. Ever since, more or less of our people have been slain by Mexican bandits, and latterly, within a period of thirty days, six were so murdered, and five of them in a most barbarous manner. It is apparent to all here that this terrible slaughter must grow better or worse. There is no use to say to men, while seeing their neighbors butchered by the whole family, that our own Government accepts as defensible the Mexican interpretation of the treaty, and hence they must abstain from resistance of any kind. Simply because a national exposition of a law declares it to be inefficient to prevent or even restrain human butchery, will not forever satisfy those who are any day liable to be killed. In spite of everything except a cure of the evil, terrible retaliation will follow. There are those who believe that Governor Pesqueira, of Sonora, is anxious to stop the fiendish slaughter of our people by his own, but that he cannot use official power to do so in the face of his supreme government's prohibition; yet we think he will in some effective way co-operate with our citizens and officials in their endeavors to stop a system of murder which he must know will otherwise soon be applied against as well as by his people. The massacre of the Baker family, as elsewhere detailed, will again forcibly bring the subject to his attention. Prominent Mexican citizens of Tucson will by petition represent to him that some measures to suppress such atrocities must be taken, regularly or irregularly, and we still trust he may help to avert the most shocking calamities. No mere words will longer answer the demand of our people. Right action must be taken, and that without much delay.

No. 287.

Mr. Nelson to Mr. Fish.

No. 510.]

LEGATION OF THE UNITED STATES,
Mexico, February 1, 1872. (Received February 23.)

SIR: During the last year I had frequent occasion to employ my good offices with the Mexican government, on behalf of English, French, and Austrian subjects, resident in this republic, in the absence of a diplomatic or consular agent of either of those powers, and espe-

cially in procuring for them "*cartas de matricula*," and otherwise enabling them to comply with the recent laws on the subject of foreign citizenship.

I am, &c.,

THOMAS H. NELSON.

No. 288.

Mr. Nelson to Mr. Fish.

[Extracts.]

No. 512.]

LEGATION OF THE UNITED STATES,
Mexico, February 6, 1872. (Received February 23.)

SIR: On the 29th ultimo General Neri, commanding the federal forces in the State of Zacatecas, suffered a defeat near Fresnillo, in consequence of which he was obliged to evacuate the City of Zacatecas and retire with the state government to Aguas Calientes. The city was immediately occupied by the insurgents under General Guerra.

News has been received of the death of General Felix Diaz, late governor of Oaxaca, and brother of Porfirio Diaz. He had fled to the southward on the taking of Oaxaca, expecting to embark in a vessel which he had at Puerto Angel, but not succeeding in this, he sought refuge with a few attendants in the mountains, where he was hunted down by forces from Tehauntepec, who were bitterly hostile to him. He was captured alive, but was shot before being presented at headquarters.

Robberies continue to abound in the vicinity of this city. Two days since the Vera Cruz Railway was again robbed at Paso Ancho.

I am, &c.,

THOMAS H. NELSON.

No. 289.

Mr. Fish to Mr. Nelson.

No. 221.]

DEPARTMENT OF STATE, ✓
Washington, February 13, 1872.

SIR: It is deemed important to call your attention to the laws and foreign office regulations of the Mexican government in regard to the matriculation, so-called, of foreigners in that country, which cannot be acquiesced in by this Government. It seems that a distinction is made between native and naturalized citizens of the country who may seek matriculation. The passport, say of this Department, is respected when issued to those born here, but the Mexican government assumes the right to inquire into the authenticity of certificates issued to naturalized citizens of the United States, and, therefore, will not respect the passports of this Department issued to such citizens. In this that government may be regarded as showing a want of comity, at least, which was not to have been expected. It is possible, however, that the distrust shown as to our certificates of naturalization may have sprung from an impression that they are carelessly issued without due regard to the facts stated on their face. This distrust is believed to be quite

unfounded, and to have very few instances in its support, and those mainly arising from such accidents as are inseparable under the best system from the multiplicity of naturalization cases.

A naturalization of a foreigner in the United States is the solemn act of a court of record. As such, no foreign government can rightfully question its sufficiency or inquire into the facts upon which it may have been based. A copy of the regulations of this Department in regard to passports is herewith transmitted. It will be seen from them that the greatest care is taken to prevent imposition by persons asking for passports as citizens. In the case of naturalized citizens, the presentation of the certificate of naturalization is required. The passport on its face does not make any distinction between native and naturalized citizens, and it is conceived that no foreign government can without discourtesy, at least, to the head of this Department, attempt to make such a distinction.

You will consequently address a remonstrance and protest upon this subject to the Mexican minister for foreign affairs.

It may be said further that the law and regulations adverted to seem to ignore the fact as to the large number of persons in the United States who were naturalized by the treaty of Guadalupe Hidalgo. This Government has no disposition to assert rights of citizenship for any who may not lawfully be entitled to them. It cannot, however, allow any foreign government to sit in judgment upon that question.

I am, &c.,

HAMILTON FISH.

No. 290.

Mr. Nelson to Mr. Fish.

No. 514.]

LEGATION OF THE UNITED STATES,
Mexico, February 14, 1872. (Received March 1.)

SIR: Referring to my dispatches Nos. 504 and 507, I herewith inclose a copy and translation (A, B, and C) of another article by Mr. Emilio Valasco, from the *Siglo XIX*, upon "Mexican relations with the United States," which is devoted to the history of the "Free Zone." Though the views expressed are at variance with those held both by the American and the Mexican governments upon the subject, the position and antecedents of the writer render his statements worthy of consideration.

I am, &c.,

THOMAS H. NELSON.

[Inclosure C.—Translation.]

THE FREE ZONE.

BY DON EMILIO VELASCO.

[*From the Siglo XIX, of January 15, 1872.*]

In our previous article we observed that the abolition of the zone would not remedy the evils of which the American Government complains and would only cause a double development of smuggling, first from the American frontier to our own, and afterward *vice versa*. In examining this point, we shall now present some reminiscence of the condition of the Mexican frontier before the establishment of the zone. There existed on

the American bank, in front of each of our towns, a custom-house, on the *drawback* principle, which gave rise to the fact that all our importations were made from the United States.

It is unquestionable that this institution favored smuggling into Mexico, as the merchant could keep his goods in deposit without paying duties, until a favorable opportunity to introduce them clandestinely by some one of the numerous unguarded passes of the river. At that time, as appears from statistics recently published, there were constantly in deposit at Brownsville more than three millions of dollars worth of goods, all destined for importation into Mexico.

In 1856 the present tariff was established, which considerably diminished the import duties, and at the same time introduced the system of discounting the payment of such dues on account of advances of money made to military chiefs. The result was, that although the duties were paid at par, it was a merely nominal payment, as it was made in orders upon the custom-house, which the merchant had bought from the government or from the military chiefs, at a discount amounting generally to one-half, and sometimes even less. It is consequently very difficult to ascertain the actual results of the lowering of duties by the tariff of 1856, since that tariff was constantly nullified by discounting the duties; but we will nevertheless endeavor to state its principal effects.

Under the high-tariff system, there were organized bands of smugglers, whose plan was to take advantage of the passage of goods from the United States into Mexico in order to cross their own goods by some place on the river which appeared least exposed to the vigilance of the customs employes, and they did not hesitate to employ force when surprised in their operations. These perilous adventures produced heavy gains; and even when the smugglers secured the passage of only a part of their goods, it was generally enough to shield them from loss.

Those who now complain of smuggling have no idea of the extent to which it was formerly carried on, but they may easily satisfy themselves by examining the fiscal document of that epoch.

The tariff of 1856 momentarily diminished smuggling to such an extent that it was thought possible to do away with the counter-guard. This was an error, for it created new facilities for smuggling goods into the center of the Mexican republic, and soon revived such operations upon a still vaster scale in 1856 and 1857; and these evils, immensely greater than those the Free Zone has caused to the United States, were caused in great measure by the American system of dispatching goods, and the drawbacks.

It should be observed that neither the lowering of the tariff nor the payment of duties in custom-house orders sufficed to prevent the inhabitants of the Mexican frontier from providing for their wants by smuggling from the cheap American market.

The inherent characteristics of the situation of the Mexican frontier, as toward the American, before the Free Zone, were then these two:

1st. Smuggling upon a vast scale was singularly facilitated by the establishment of drawbacks on the American frontier, and by the connivance of American employes.

2d. A vast consumption on our frontier of goods smuggled from Texas, and hence the ruin of Mexican commerce, the depopulation and demoralization of our settlements, and their complete dependence upon Texas. The law of the Free Zone, promulgated in 1858, took into account only the second of these features. Its principal object was to check the decadence of the Mexican settlements along the Rio Bravo, by assuring to their inhabitants the means of subsistence. This law is considered by some as an act of hostility against the United States, but those who examined the records of the epoch immediately preceding and following the Free Zone, will be convinced that this complaint rests on no solid basis, and that the American Government has been deceived upon this subject.

There existed a *fact* upon the frontier which our laws were powerless to prevent: this fact was, that all the goods consumed were smuggled from Texas. Free consumption was a fact attended with immense disorders, above the combinations of legislators, and above all fiscal precautions. At the present time the enemies of the zone denounce it as a *privilege*. If this be true, it is a *privilege* not created by the law, but by the nature of things, and existing previously to the law. The law accepted what it could not prevent; it merely endeavored to establish convenient regulations and to diminish the accompanying disorders.

It now remains to examine the changes produced by the Free Zone in the commercial relations of the two frontiers, and to prove that the abolition of the zone would cause a double movement of contraband traffic, so as to understand fully the interests which our government is bound to protect and the necessities it is bound to consider. We desire that this question be discussed in good faith with the American Government, in order that a final solution may be found compatible with the interests of both. We have traced the antecedents of our commerce on the frontier, not in order to reproach any one, but in order not to lose sight of the fundamental elements of the question. We are fully persuaded of the friendship which the Government of the United States now

bears toward us, and this friendship is one of the principal reasons which induce us to desire a solution of all pending questions. The settlement of a difficult question between friends is easier than that of the slightest misunderstanding between distant acquaintances.

The law of the Free Zone was promulgated in 1858. Its basis was the importation of goods free of duties into a certain district within which they might freely circulate, on condition of paying duties when sent into the interior of the republic. From this fact arose two consequences: The first was to render merchandise as cheap in Mexico as in the United States, and thus to remedy our commercial dependence upon that country. The second was to relieve us from the paralyzing effect of the American drawback system, and to facilitate the vigilance of the passes of the river.

The precise effects of the Free Zone cannot be studied in the period from 1858 to 1861, because during all this time one or the other frontier suffered from very exceptional fiscal or political influences. From 1858 to 1861 constant reductions in the duties were made by military chieftains, to such a degree that orders on custom-houses sunk to 20 or 25 per cent., for which reason the merchant had no interest in smuggling.

From 1861 to 1865 the American civil war and the blockade of the southern ports produced an abnormal situation. Most of the commerce of Texas was made through the port of Matamoras. From 1865 to 1866 the Imperialist authorities of Matamoras endeavored, from political motives, to obstruct all commercial relations between the two frontiers, and there was, besides, so large a number of republican troops along the Rio Bravo as to render smuggling difficult.

As relates to the United States during this period, the only observation we have to make is, that while the tariff was low there was no smuggling from Mexico into Texas, and that such smuggling commenced when the high tariff and the internal-revenue act commenced to be put in force. Before the civil war internal trade was perfectly free in the United States: almost all the merchandise consumed on both frontiers was American, and excessively cheap on the Texan side, from which the smuggling was made into Mexico.

During the war the internal revenue was established, and as this duty was not collected on goods in transit for Mexico, it resulted, when combined with the action of the Free Zone, as rendering even goods of American production cheaper in Mexico than in the United States. It often happened that American goods were smuggled back for the consumption of the American frontier. Notwithstanding this fact, the consumption of American goods has notably decreased, and that of European goods has consequently increased, in spite of their heavy freight.

The greatest part of the goods sent to Matamoras come first from Europe to New Orleans, as a port of transit, pass thence to Brownsville, where they enjoy the freedom of deposit, and finally to Matamoras or some other Mexican town along the Rio Bravo. Once in Mexican territory, if there should be any market for these goods in Texas, they can always be smuggled back. The ports of deposit have also a great influence upon our frontier trade.

The American territory presents great advantages for the transit of our commerce, the greater part of which is smuggled into the interior, not by the importer, but by other merchants who buy from him.

At the present time, as a general rule, no merchant attempts to bring across an invoice without having procured the connivance of some customs employés. This question of smuggling has become, in great measure, a question of the fidelity of employés, and is consequently very difficult of solution.

The distance of those regions prevents any effectual vigilance. Smuggling is generally perceived only by its effects. The counter-guards are intended to correct this evil, and will undoubtedly do so when their operations shall be supported by an adequate armed force.

The above antecedents sufficiently demonstrate the condition to which both frontiers would be reduced by the abolition of the Free Zone. American commerce with our frontier would cease from the moment of imposing duties upon it. Ports of deposit in Mexico would not remedy the evil, because the American custom-houses would be preferred as places of deposit, on account of their great security, and there would be quickly accumulated a vast store of goods, which would be smuggled into our territory. From the commercial point of view, the American settlements would undoubtedly thrive at the expense of our own, which would be completely ruined; but the American Government would derive no pecuniary advantage therefrom, nor would smuggling be at all diminished.

When once the goods had been smuggled into Mexican territory, they would necessarily be cheaper than in Texas, and a second operation of the same kind would restore the equilibrium of prices. There is, besides, another very important aspect of this question, which ought not to be forgotten. The smuggling now carried on from Mexico into Texas is not very extensive; it is rather a matter of peddlers-wares, which necessarily escape the vigilance of the authorities. Its importance, then, is not in its amount, but in its frequency. Large invoices are rarely sent across, and only when the connivance of custom employés has been secured. Such connivance would enable a

merchant to smuggle a consignment of goods from the American bonded warehouse to Mexican soil, and to re-pass them by another route into Texas. But when this contrivance is assured, this double operation becomes unnecessary.

It is easier to pretend to make such an exportation, so as to extract the goods from the warehouses without having to pay duties, and really to dispose of such goods on American soil. This is what is generally done, and when the effects of such operations upon the American markets is perceived, those effects are wrongly attributed to smuggling from Mexico. Operations of this kind have taken place, not only on the frontier, but even at New Orleans. We remember a case which came before the American courts, in which a vessel was dispatched from New Orleans to Matamoras with a heavy cargo of whisky.

The vessel arrived at Matamoras in ballast; the whisky had merely been carried from the bonded warehouse to the merchant's stores. With or without the Free Zone, this class of frauds will be committed as long as the present fiscal system shall subsist in the United States. The careful examination of this question gives this result: that Texan interests wish to thrive by the ruin of our settlements, and that they have sought to find in the insignificant smuggling now carried on a pretext for attacking the Free Zone.

No. 291.

Mr. Nelson to Mr. Fish.

No. 518.]

LEGATION OF THE UNITED STATES,
Mexico, February 14, 1872. (Received March 1.)

SIR: In consequence of the defeat of General Neri, and the taking of Zacatecas by the insurgents, the government judged it prudent to evacuate Aguas Calientes, which was immediately occupied by rebel forces.

Two States are, therefore, lost for the present to the government. The revolutionary governor of Zacatecas is the ex-deputy Trinidad Garcia; and General Gomez Portugal, deposed a few months since from the government of Aguas Calientes, has been reinstated by the rebels.

It is now believed that General Guerra will march from Zacatecas upon Guadalajara. If so, there is serious danger that that city will be taken, as its garrison is small, and there are numerous bands of insurgents throughout the State of Jalisco, which would swell the numbers of the attacking force.

Governor Pesqueira, of Sonora, who was marching against Mazatlan with a respectable force, has been defeated by the rebel general Marquez, and obliged to return to Sonora.

The government forces sent from Manzanillo against Mazatlan are too few to accomplish their object unaided, so that that important port will still remain in the hands of the rebels for a considerable time. A shipment of arms for the revolutionists of Mazatlan, consisting of 3,000 Enfield rifles, which was sent from New York *via* Panama, was, a few days since, seized by the custom-house at Acapulco, from on board the Pacific mail-steamer Montana.

Public attention is now chiefly occupied with the approaching struggle in San Luis Potosi and Zacatecas. General Rocha marched northward from this city, with three thousand men, probably *en route* for San Luis. He was to reach Queretaro to-day, and may arrive at San Luis a week hence, but, meanwhile, that city is in considerable danger of being taken by the northern revolutionists.

The present whereabouts of General Porfirio Diaz seems to be unknown to all parties, it being a month since he disappeared from the neighborhood of Orizaba. Widely different rumors are in circulation, but it is most probable that he has arrived in the State of San Luis. His total failure in Oaxaca has, however, lost him all prestige as chief of the rev-

olution. Treviño and Guerra no longer speak of him in their manifestoes, and it is said that his revolutionary plan of the *Noria* has been cast aside for another, the terms of which have not yet transpired.

Our news from the northern frontier is completely cut off, but a conflict is evidently imminent (if it has not already taken place) between Generals Cortina and Quiroga, for the possession of Matamoras.

Amid the ravages of civil war, several public improvements are being pushed forward. Work was commenced on the Toluca narrow-gauge railroad on the 5th instant, and on the proposed carriage-road from Queretaro to Tampico on the 6th instant.

President Juarez, through Secretary Romero, has, by virtue of his "ample faculties," promulgated a new tariff, the publication of which is not yet complete, as also a law upon internal revenue, and upon the use of stamped paper, and has celebrated a contract with the Panama Railroad Company for the establishment of a line of steamers to touch at several additional ports of the Pacific.

All the above measures will be more fully stated in my future dispatches.

I am, &c.,

THOMAS H. NELSON.

No. 292.

Mr. Nelson to Mr. Fish.

No. 523.]

LEGATION OF THE UNITED STATES,
Mexico, February 26, 1872. (Received March 15.)

SIR: On the 1st of January last President Juarez, by virtue of his "ample faculties," decreed a new tariff, which is to go into effect at the beginning of the next fiscal year, on the 1st of July, 1872. The publication of this tariff, and of its voluminous regulations, has just been completed in the *Diario Oficial*, and it has not yet appeared in the form of a volume. This important measure will, of course, be subject to the revision of the Mexican congress, and will undoubtedly form the principal subject of discussion during the session, which will begin on the 1st of April next. It will be vigorously attacked, but will probably be sanctioned in all its essential features.

The present tariff was established in 1856. Since that time numerous modifications have been introduced, but no general measure has been passed. Since the return of the liberal government to this city, in 1867, it submitted proposals to congress for a radical reform in the tariff law, and successive committees of finance have also presented projects to the same end, but, after protracted and exhausting discussions, in which Minister Romero has taken an active part, the Mexican congress has not yet been able, nor would it be able for years to come, to agree upon the necessary points of reform.

Under these circumstances, President Juarez would seem to have taken a judicious step in "cutting the Gordian knot," by issuing a carefully considered and liberal tariff, from which great benefits to foreign commerce in Mexico may reasonably be expected.

I herewith inclose a copy and translation (A and B) of the explanatory circular of Minister Romero, which accompanies the tariff.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

[Circular.]

TREASURY DEPARTMENT—FIRST SECTION.

I have the honor to send you copies of the tariff for the maritime and frontier custom-houses of the republic, which the President has to-day decreed, by virtue of the faculties granted him in the third article of the law of December 1, 1871.

The President believes that he could not have used the faculties with which congress invested him in a manner more advantageous to the interests of legitimate commerce and of the federal treasury than by establishing the tariff which has so long been pending, and the lack of which paralyzed commercial operations and considerably diminished the receipts of the treasury.

The President has not deemed the present crisis a proper time to introduce radical changes in the existing tariff, and has judged that, on the contrary, the task of the executive should rather be limited to its simplification and codification, accepting, in general, as the basis of the new tariff, the provisions of the existing ordinance and laws.

The new tariff has been formed upon this principle, and by it the executive believes that the following advantages will be gained:

I. To reduce to a single amount the various duties now paid, under different names, by foreign goods, on their importation into the republic, some in the maritime custom-houses, and some in other offices, either levied directly upon such goods or upon the Mexican products exported for their payment, and to make, at the same time, a reduction upon the amount paid.

II. To fix the import duties, as a rule, in a given amount, employing the *ad valorem* basis only in cases where a specified duty cannot be provided.

III. To add to the tariff-list many articles not found in the present ordinance, thus avoiding the inconvenience of the arbitrary imposts now collected on such goods. The number of articles classified in the present ordinance is 525, while in the new tariff it is more than 800.

IV. To abolish prohibitions.

V. To increase, as far as possible, the list of free goods, exempting them from all dues, while the present tariff only frees them from a part. In the ordinance of January 31, 1856, the number of articles on the free list is 34, while in the new tariff they number 63.

VI. To abolish onerous restrictions upon the internal circulation of foreign goods that have paid importation duties.

VII. To establish uniform duties upon foreign goods, which produces the advantage of equalizing mercantile operations throughout the nation.

VIII. To exempt national vessels from light-house dues, and collect them from foreign vessels only in the ports where light-houses exist.

IX. To provide that pilotage dues be paid only by vessels that call for pilots.

X. To grant all possible privileges to foreign commerce, thus facilitating the exportation of Mexican products, and opening our coasts to exportation trade.

XI. To authorize the exportation of bullion, in so far as the good faith of the nation, pledged to the lessees of mints, will allow.

XII. To authorize the transit of foreign goods across Mexican territory.

XIII. To simplify, as far as possible, the operations of custom-houses to the advantage of importation.

XIV. To comply with the law of March 15, 1857, which established the decimal-metrical system of weights and measures; and

XV. To combine in a single ordinance the various provisions concerning foreign commerce that are scattered through many laws now in force, which cannot readily be consulted, especially by exporters in foreign countries.

At first sight, it would appear that the tariff rates have been increased, since, on comparing them with the present tariff, they are in fact found to be higher. This difference is explained in two ways. Firstly, in the new tariff all the importation duties on foreign goods now paid into the federal treasury, under different names, and which do not appear in the lists of the present tariff, are brought together; and, secondly, the new duties are based upon the meter and kilogram as units of measure and weight, instead of the yard and pound, now employed for that purpose. Foreign goods now pay to the federal treasury upon their importation into the republic the following duties:

Importation duty	\$100 00
Public works duty	20 00
Railroad duty	15 00
Internal transit duty	10 00
Counter-registration duty	25 00

Municipal duty.....	\$3 00
Substitute for tolls, equivalent to.....	9 00
Excise duty.....	15 50
Export duty on coin at 8 per cent. <i>ad valorem</i> , equivalent to.....	35 00
Total	232 50

The operation of reducing all these duties to a single impost was therefore equivalent to that of adding 132.50 per cent. to the present importation duties. From this amount a deduction of 12.50 per cent. was made, so that the actual increase was 120 per cent.

It may be alleged that the excise duty is only paid by goods consumed within the federal district, and that, by consolidating it with importation duties, it is really imposed upon goods consumed outside of the district. This consideration diminishes in importance when we remember that the goods consumed in the federal district form the greater part of those imported at Vera Cruz, and that the latter amount to half of those consumed in the republic. It is also a fact that, in most of the States, if not in all, excise duties are levied equivalent on the average to those of the federal district.

Nevertheless, the President, believing that a prudent reduction of the importation duties, along with the other provisions of the new tariff in favor of commerce, might be efficacious to increase the customs receipts, determined to make the said reduction of 12.50 per cent., which may be held to represent the excise duty, and to be equivalent to its abolition.

If the new importation duties appear higher than the present ones, let it be remembered that the additional duties above mentioned, amounting to 132.50 per cent., and also those upon cotton and tobacco, are included therein, and will cease to be collected separately from and after the 1st of July, 1872.

The term designated for the new tariff to be put in force is thought to be sufficient to protect commerce from loss in its pending orders for goods. In order to facilitate the observance of the new tariff, the President has sanctioned a code of regulations for maritime and frontier custom-houses, drawn up in consonance with the new tariff, and which is also promulgated this day.

The President trusts that the practical results of the new tariff will abundantly prove the advantages it offers to legitimate commerce, and to the federal treasury.

Independence and liberty!

M. ROMERO.

MEXICO, January 1, 1872.

No. 293.

Mr. Fish to Mr. Nelson.

No. 227.]

DEPARTMENT OF STATE,
Washington, February 27, 1872.

SIR: I transmit a copy of a letter of the 23d instant, and of the papers which accompanied it, addressed to this Department by the Secretary of the Interior, relative to depredations, by Kickapoo Indians from Mexico, upon Texas. It is represented that in making these depredations, those savages were encouraged, if not instigated, by Mexicans. You will again make a representation upon this subject to the Mexican minister for foreign affairs. It must be obvious to that government that the ravages referred to cannot fail to occasion great irritation among those citizens of Texas who suffer from them, and that in the interest of the good understanding which we are desirous of maintaining with the Mexican republic, the government of that republic is expected to exert its authority toward checking the raids of the robbers adverted to.

I am, &c.,

HAMILTON FISH.
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[Inclosure 1.]

Mr. Delano to Mr. Fish.

DEPARTMENT OF THE INTERIOR,
Washington, D. C.; February 23, 1872. (Received February 24.)

SIR: I have the honor to transmit herewith, for your information, a copy of a letter from the Secretary of War, dated the 6th instant, inclosing copies of reports relative to depredations, &c., committed by Kickapoo Indians from Mexico, in the vicinity of Fort Davis, Texas; also, a copy of a communication from the Commissioner of Indian Affairs, dated the 13th instant, giving his views in relation to the subject.

Very respectfully, &c.,

C. DELANO;
Secretary of the Interior.

[Inclosure 2.]

Mr. Walker to Mr. Delano.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 13, 1872.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of the report from the Adjutant-General's Office, relative to a depredation committed on the 22d of November last upon the Texas bank of the Rio Grande by a party of Kickapoos, from Mexico.

I beg leave to refer to the fact that this is but one of a series of depredations committed by hostile Kickapoo Indians, who make frequent raids across the Mexican border into Texas, carrying off stock and other property in large amount, and selling the same to Mexicans, who undoubtedly encourage them in their operations and protect them from pursuit. This state of things has been continued for years, to the deep injury of the people of Texas. To remedy this evil was the object, it will be remembered, of the effort made last year to remove these Kickapoos to the Indian country. As that effort failed, and under circumstances which do not encourage this Office to renew the attempt, nothing further occurs to be done by the Department in the premises, unless it should be deemed advisable to have the matter again brought to the attention of the Mexican authorities through the Department of State.

The Mexicans alone can prevent this state of things, as they alone have been responsible in the past for its continuance.

The report from the honorable Secretary of War is herewith returned.

Very respectfully, &c.,

F. A. WALKER,
Commissioner.

[Inclosure 3.]

Mr. Belknap to Mr. Delano.

WAR DEPARTMENT,
Washington City, February 6, 1872.

SIR: I have received from the commanding-general of the Military Division of the South certain papers relative to depredations and murder committed by Kickapoo Indians in the vicinity of Fort Davis, Texas, copies of which are sent herewith for your information and that of the Indian Bureau.

Very respectfully, &c.,

WM. W. BELKNAP,
Secretary of War.

[Inclosure 4.]

STATE OF TEXAS, *County of Webb :*

Before me, Samuel M. Jarvis, mayor of the city of Laredo, county and State aforesaid, came Margarito Castaweda, to me well known, who, being duly sworn, says that he is a citizen of Mexico, and is the commandant of the custom-house guards of the post of Nuevo Laredo, Mexico; that on or about the 22d day of November last, while

on duty along the Rio Grande, about twenty miles above the town, he heard a great outcry on the Texas side of the river, and the report of fire-arms, and it being in a place where there are no settlements, they came to the river in front of where some shepherds were in charge of a flock, near the arroyo Saint Thomas, and the shepherds informed them that they had just been attacked by a party of six or seven Indians, armed with rifles, who had killed one of their number and wounded another; they said they did not know from whence the Indians had come, and thereupon deponent, knowing that the Kickapoos were then encamped about six leagues from the river, at a place called the Lagura de la Leche, on the Mexican side, started to find if their trail had come from there. He soon found where they had crossed the river, immediately opposite where the shepherds were. The Indians had killed a horse, and of the hide had made a boat in which to cross their arms, and were all mounted. Deponent thereupon took the back trail into Mexico, and followed it for about three leagues in the exact course leading to the Lagura, and being then convinced that the Indians had come from there, they did not follow it any farther.

MARGARITO CASTAWEDA.

Sworn to and subscribed before me this 15th day of December, 1871.

SAMUEL M. JARVIS,

Mayor of the City of Laredo.

Official copy :

H. CLAY WOOD,

Assistant Adjutant-General.

[Inclosure 5.]

Mr. Jarvis to Mr. McCook.

CUSTOM-HOUSE, LAVEDO, TEXAS,

December 15, 1871.

GENERAL: I inclose herewith the declaration of M. Castaweda, the chief of the Mexican custom-house guards, a very respectable man, whose evidence with regard to the Indians will be strong, as he is a Mexican citizen and official.

The party who followed the Indians came back, having gone nearly to Fort Clark. The Indians, as they were informed by the citizens there, had been seen to cross the river into Mexico, but as they could not testify to their own knowledge, I did not take their declarations.

I am, &c.,

SAMUEL M. JARVIS.

[First indorsement.]

HEADQUARTERS POST OF FORT BROWN, TEXAS,

December 26, 1871.

Respectfully forwarded to the assistant adjutant-general, Department of Texas, for his information.

A. McD. MCCOOK,

Lieutenant-Colonel Tenth Infantry,

Brevet Major-General, U. S. A., Commanding.

Official copy :

H. CLAY WOOD,

Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,

San Antonio, January 8, 1872.

Official copy, respectfully forwarded to the Adjutant General United States Army, through headquarters Military Division of the Missouri, for his information.

J. J. REYNOLDS.

Colonel Third Cavalry, Brevet Major-General U. S. A., Commanding.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION OF MISSOURI,

Chicago, January 25, 1872.

It has been the practice of the Indians on the Mexican side of the Rio Grande to

depredate in Texas for many years. As no harm has ever come to any of them for doing so, either from the Mexican government or our own, it is liable to continue.

P. H. SHERIDAN,
Lieutenant-General Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, February 1, 1872.

Official copies :

E. D. TOWNSEND,
Adjutant-General

No. 294.

Mr. Nelson to Mr. Fish.

No. 526.]

LEGATION OF THE UNITED STATES,
Mexico, February 29, 1872. (Received March 15.)

SIR : The military situation in Mexico has assumed an aspect more favorable for the government. The insurgents, after their victories at Zacatecas and Aguas Calientes, concentrated their forces at Salinas, near San Luis Potosi, about the middle of this month, with the evident intention of attacking that city before it could be relieved by General Rocha. The latter, however, succeeded in reaching San Felipe, a strategical point between San Luis and Zacatecas, on the 18th instant, and active operations commenced on the 22d, when he marched to meet the insurgents at Ojuelos.

The rebel generals Guerra, Martinez, and Treviño did not await the attack, but made a rapid movement southward, closely followed by Rocha, and occupied Lagos, in Jalisco, on the 24th. General Sanchez Ochoa, who commanded at Lagos, fell back to the city of Leon. Rocha arrived at Lagos on the 25th, when the insurgents retired southward, but soon changed direction, and are now in full retreat upon Aguas Calientes and Zacatecas. General Rocha is to-day expected to arrive at Aguas Calientes, and will probably recover Zacatecas without a battle. By decree of yesterday, that State was placed under martial law.

The most contradictory reports prevail concerning the whereabouts of General Porfirio Diaz.

One rumor asserts that he died at Salinas, (San Luis Potosi;) another that he is sick in the sierra of Puebla; another that he is concealed in this city; and still another that he embarked *incognito* for Havana a month since, on the English steamer.

News has just been received of government successes in Sinaloa and Jalisco. The second division, under command of General Alatorre, is on its way from Oaxaca to this city, and will undoubtedly re-enforce Rocha in the north. General Negrete and other rebel chiefs have committed great ravages in Tlaxcala, which State has been placed under martial law, and the insurgents Chavarria and Cosio Pontones continue their depredations in this valley almost in sight of Mexico.

The northern insurgents seem to be much divided among themselves by the conflicting pretensions of Guerra, Martinez, and Treviño to the chief command. It now seems certain that they will be driven back to the frontier States, but may prolong the war for several months longer.

I am, &c.,

THOMAS H. NELSON.

No. 295.

Mr. Fish to Mr. Nelson.

No. 229.]

DEPARTMENT OF STATE,
Washington, March 5, 1872.

SIR: I transmit herewith a copy of a letter from the Secretary of War, dated the 27th ultimo, and of a report, by which it is accompanied, from the commanding officer of Fort Davis, Texas, in relation to the crossing of armed bands of Mexicans into that State. You are requested to lay these papers before the minister for foreign affairs of the Mexican government, and to express the expectation of this Government that the Mexican government, upon becoming acquainted with the facts, will hasten to disavow this violation of the territory of the United States, and will take means to prevent the recurrence of any similar acts.

I am, &c.

HAMILTON FISH.

[Inclosure 1.]

Mr. Belknap to Mr. Fish.

WAR DEPARTMENT.

Washington City, February 27, 1872. (Received March 1.)

SIR: The inclosed copy of a communication from the commanding officer of Fort Davis, Texas, reporting that armed bodies of Mexicans have crossed the border into the territory of the United States, is respectfully transmitted for your information, and such consideration as you may feel disposed to give it.

Very respectfully,

WM. W. BELKNAP,
Secretary of War.

[Inclosure 2.]

*Colonel Shafter to Major Wood.*HEADQUARTERS, FORT DAVIS, TEXAS.
January 25, 1872.

SIR: I have the honor to report that while at Del Norte, Mexico, last week, I learned that a scout of sixty Mexicans from the vicinity of San Diego, a small town about thirty miles from Chihuahua, Mexico, had crossed to this side of the river about 1st of January, and were following the trail of a party of Indians, that had stolen a lot of horses at San Diego, toward the Guadalupe Mountains, in New Mexico. The Mexicans came up with the Indians in the mountains north of Eagle Spring, (a stage-stand on the road to Quitman,) but failed to recover any stock. They then went into camp, and shortly after two Indians appeared, and left a paper for the Mexicans, which they got. This paper was a pass, signed by the agent at Fort Stanton, for two Indians, and stated they were out for the purpose of getting Apache Indians to come into Stanton and make peace. As the Mexicans were out of rations, their captain left them in camp, and returned to Del Norte for rations and a guide. He showed the paper referred to to Mr. Milton Favar, a very reliable gentleman living about sixty miles from here and near Del Norte, and told him that he had been furnished some aid from the Government in the way of arms, &c., and had been ordered to follow the Indians by the governor of Chihuahua, and that he was only obeying orders in crossing to this side. I immediately returned to this post for the purpose of making a scout to capture these Mexicans, but the day after I returned they were met by the stage about eighty miles west of this post and but thirty miles from the Rio Grande, which they would probably cross the same day they were met. There was, therefore, no attempt made to capture them. This is the second large scout that has been on this side of the river in the last six months, and it is quite probable that others will be made during

the spring. I very respectfully request instructions as to the course I am to pursue toward scouts from Mexico who enter the United States without permission from proper authority.

I am, &c.,

W. R. SHAFTER,

Lieutenant-Colonel, Twenty-fourth Infantry, Commanding Post.

Major H. CLAY WOOD,

Assistant Adjutant-General, Department of Texas, San Antonio, Texas.

[Inclosure 3.]

General Augur to Colonel Shafter.

HEADQUARTERS DEPARTMENT OF TEXAS,
OFFICE OF ASSISTANT ADJUTANT-GENERAL,
San Antonio, Texas, February 2, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, respecting the body of Mexicans that crossed into this country, in pursuit of Indians, and asking instructions in such cases. In reply, the commanding general directs me to say that you will pursue and capture, if possible, any armed body of Mexicans that come into our territory. Should you succeed in capturing any, hold them prisoners, and report the facts to these headquarters.

I am, &c.,

J. A. AUGUR,

Acting Assistant Adjutant-General.

Lieutenant-Colonel W. R. SHAFTER,

Twenty-fourth Infantry, commanding Fort Davis, Texas.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, February 22, 1872.

Respectfully forwarded to the Adjutant-General of the Army, for the information of the Secretary of War.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

ADJUTANT GENERAL'S OFFICE,
Washington, February 26, 1872.

Official copies :

E. D. TOWNSEND,
Adjutant-General.

The Honorable SECRETARY OF STATE.

No. 298.

Mr. Fish to Mr. Nelson.

No. 232.]

DEPARTMENT OF STATE,
Washington, March 9, 1872.

SIR: I transmit herewith, for your information, copies of correspondence between this Department and Señor F. G. Palacio, chargé d'affaires of Mexico at this capital, in regard to alleged furnishing of re-enforcements and supplies to the insurgents in Mexico from the territory of the United States; also copies of letters upon the same subject to the Treasury and Navy Departments.

I am, &c.,

HAMILTON FISH.

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[Inclosure 1 in No. 232.]

Mr. Palacio to Mr. Fish.

LEGATION OF MEXICO, February 28, 1872.

SIR: For several days past I have been constantly in the receipt of letters from consuls of the Mexican republic in ports of this country, especially San Francisco, California, and Brownsville, Texas, stating that cargoes of merchandise leave said ports dispatched to places occupied by rebels against the government of Mexico, who are fighting against it with arms in their hands. These letters have been accompanied with requests that I would solicit the Government of the United States to give orders to the custom-houses not to permit the dispatch of merchandise to Mexican ports which are known by public report and official advices to be in rebellion against the government of Mexico, and to be actively engaged in resisting the authorities and the execution of the laws. I have not complied with these requests, inasmuch as I do not think the subject to be one which requires any diplomatic intervention. The Government of the United States knows very well what instructions it ought to give to its fiscal agents in cases like the present. It is, moreover, the only judge of the propriety of warning citizens of the United States not to engage in operations in which they place their interests at stake. If, with their eyes open, and knowing that they are going to lend positive aid to the rebels of Mexico, they convey their goods to places occupied by the latter, the military commanders of the Mexican government will see to the prevention of aid being given to the rebels in this manner. If the same merchants establish commercial relations with persons whom the government is obliged to treat as enemies, they must suffer the consequences. If, knowing that at the port of their destination there are no officers legally authorized to collect import duties, and if, with perfect knowledge, they pay the duties demanded of them by the rebels, deliberately defrauding the Mexican treasury in concert with said rebels, this is purely and simply a case of smuggling and collusion, with the consequent risks.

I do not think, when this is so notorious, that there is any need of my requesting that the clearance of merchandise be refused in the ports of the United States to those who are willing to risk its shipment to Mexican ports which are now neither *de jure* nor *de facto* ports of entry, which are the object of military operations, and with respect to which the Mexican authorities are obliged to proceed as may be dictated by the necessities of the situation. I therefore make no request of the Government of the United States in regard to this. It is, however, my duty to bring to your notice the fact that at some places on the frontier, and especially Brownsville, under the disguise of purely commercial operations, very direct aid is lent to the rebels, these places constituting a regular base of operations for said criminals. Small parties of men, engaged on American soil, are there organized to cross over into Mexico to re-enforce the rebels. Arrangements are made with these persons beforehand to the effect that merchandise shall be imported at the places which they may succeed in occupying, the duties on which are to be payable at reduced rates. They are furnished with arms and ammunition, and expeditions are fitted out, which, under pretense of pursuing suspected cattle stealers, threaten every moment to cross over into Mexican territory, where they would, of course, meet with armed resistance.

I refer to no particular act, because it is not now my object to complain against any of those which have thus far been committed. I only desire to urge the Government of the United States to order its authorities on the Mexican frontier to exercise greater vigilance than usual for the prevention of any violation or evasion of the laws known by the name of neutrality laws, and to take special care that the rebels be permitted to do nothing on American soil which may facilitate their operations or aid them in the same. You are well aware, Mr. Secretary, that those who do not wish to obey the law frequently find means to violate its spirit, though not its letter, and that it is also possible to avoid its action a moment after having infringed it. All this is rendered much more difficult when the authorities make known their determination to watch with care and to punish with rigor. This is all that I ask to have done in the present matter, and I can assure the Government of the United States that that of Mexico will spare no effort to prevent (*sic*) American citizens and *bona-fide* commerce from being duly protected and from not suffering any detriment which it may be possible to prevent.

I am happy to reiterate to you, Mr. Secretary, the respectful assurances of my very distinguished consideration.

FRANCO. G. PALACIO.

[Inclosure 2 in No. 232.]

*Mr. Fish to Mr. Palacio.*DEPARTMENT OF STATE,
Washington, March 7, 1872.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, alleging that bands of armed men are organized on this side of the Mexican frontier, for the purpose of crossing into Mexico to re-enforce those in rebellion against the government of that country, and that arrangements are made to transport supplies to them from this side of the line to such places as they may succeed in occupying.

This Government, wishing to avoid any violation of the neutrality which it is desirous of maintaining toward the government of Mexico, has brought the subject of your note to the notice of the proper Department, and, in compliance with your request, has suggested that more than ordinary vigilance be used, not to allow re-enforcements or supplies for those in rebellion against the government of Mexico to cross from the territory of the United States into that country.

I avail myself of this occasion to offer to you a renewed assurance of my high consideration.

HAMILTON FISH.



[Inclosure 3 in No. 232.]

*Mr. Fish to Mr. Boutwell.*DEPARTMENT OF STATE,
Washington, March 6, 1872.

SIR: I have the honor to transmit herewith an extract from a note addressed to this Department by Señor Francisco G. Palacio, chargé d'affaires of Mexico to this Government, in which it is alleged that bands of armed men are organized on American soil to cross the Texan frontier into Mexico, for the purpose of re-enforcing those in rebellion against the government of that country, and that arrangements are made with these persons for the transportation of supplies to the places which they may succeed in occupying.

If the representations of Mr. Palacio are well founded, the men to whom he refers have probably been enlisted contrary to the neutrality act of 1818. Though they cannot for this be arrested within the Mexican limits, it seems to me that if there be any legal authority for the purpose, it is the duty of this Government to prevent their being furnished with military and other supplies from this side of the line. I would, consequently, suggest that instructions to that end be sent to the officers of the customs on the Texan frontier.

I have, &c.,

HAMILTON FISH.

No. 297.

Mr. Nelson to Mr. Fish.

No. 529.]

LEGATION OF THE UNITED STATES,
Mexico, March 16, 1872. (Received April 12.)

SIR: I herewith inclose a copy and translation of an article on the "Free Zone," published on the 4th instant in the Progreso, by Colonel Carlos de Gager, of the federal army, but now retired from service.

I am, &c.,

THOMAS H. NELSON.

26 F R

[Inclosure.—Translation.]

THE FREE ZONE.

BY CARLOS DE GAGERN.

[From the *Progreso* of January 4, 1872.]

Though the readers of the *Progreso* may probably remember the words in which President Grant made allusion, in his message of the 4th of December last, to the Free Zone which exists on our northern frontier, they having been published not once, but twice in the columns of this paper, still we consider it convenient to reproduce them again below, because they will serve us as a basis for the observations we are about to make in this article. He said, "The Mexican republic has not yet annulled the highly inconvenient laws by means of which the said Free Zone has been established on the frontier of the United States. It is to be hoped that it will do so, and also that those republicans will take measures to hold within bounds persons who do not respect the laws. I cherish the hope that Mexico, by its own intervention, will free our Government from the difficulties that the aforementioned causes give rise to." As one can see, the mentioned paragraph not only speaks of the inconveniences that, in Grant's opinion, result to the American commerce by the continuation of the concession, by virtue of which foreign goods can be introduced into our republic by certain determined ports free from all duties, but also of the Mexican robbers who, as is often said, cross the river Bravodel Norte into the State of Texas, with the object of stealing cattle and committing other misdeeds, known by the name of "border-ruffians."

We do not wish to occupy ourselves now with this last accusation, and will only observe that the same may be said of the Texan robbers respecting our frontier States, it being probable that the damage felt on account of these robberies by the inhabitants of the left border of the said river may not be greater than that which those of the right border suffer from the same cause. Of much more importance is the indication contained in the aforesaid paragraph about the necessity of our congress decreeing the abolition of the "Free Zone," because, leaving alone for the present, whether its existence is or is not founded on justice, and whether from it there result advantages or disadvantages to our commerce and our treasury, that indication involves a sort of meddling in the home affairs of our country on the part of a foreign government which we can never permit or tolerate, for each sovereign and independent country has the indisputable right to fix its own tariff as it pleases, without considering the effects it may have on the prosperity of a neighboring country.

Some weeks before the issuing of Grant's message the question of the "Free Zone" was discussed at length at a meeting of ministers which took place in Washington, and it is to be supposed that since then it has been tried to influence the minds of President Juarez and his secretaries of state, to induce them to cede on this point to the demands of the United States, though, as we believe and hope, without any result, for should our Government declare in favor of the abolition of this system it would do it on account of considering it against our interests, but never ceding to the pressings of the Government of the "White House."

The "Free Zone" was established by virtue of a decree issued in Ciudad Victoria, by citizen Ramon Guerra, governor *interim* of the State of Tamaulipas, on the 17th of March, 1858.

In the considerations it said that the towns of the northern frontier were in a true state of decadency from want of protective laws for their commerce; that, situated opposite a commercial nation which enjoys a free commerce—which assertion is entirely opposed to truth, for in the United States the protective system prevails—they require equal advantages not to lose their population, and that they desired to put an end to these great evils by franchises, which had so long been asked for by the said commerce, principally in the port of Matamoras. The aforesaid decree was composed of nine articles, of which the first and the seventh contain the chief resolutions. The former expresses as follows: "Foreign goods which are destined for the consumption of the city of Matamoras and the other towns on the border of the river Bravo, Reynosa, Camargo, Mier, Guerrero, and Monterey Laredo, and for the reciprocal commerce of these towns, shall be free of all duties, with the exception of the municipal ones, and of the duties there are or may be imposed to defray the expenses of the State. Thus also shall be free of duties the goods that may be deposited in the government or private stores that may be established in the said towns, as long as they are not moved to other towns of the State or of the republic."

The seventh article says: "At the time of foreign goods leaving the privileged towns, to be taken to the interior of the republic, is when the duties shall be paid, according to tariff, and they shall never be introduced without having paid, in the custom-house they leave, all duties, the payment of which is ordered to be made in the port, and without observing all the requisitions of the laws in force, so as not to be molested nor stopped on their way." It is sufficient to read these articles to understand that at

odious law has been created, which favors some places and merchants, but which must necessarily cause harm to the rest in the republic, the more so as it is perfectly impossible, and experience has proved it, to prevent the clandestine introduction of foreign goods proceeding from the Free Zone into the interior of the country, thus causing an inequality respecting the price that legitimate commerce, established in other places that do not enjoy the franchises, have to ask for them, having been obliged to pay the customs duties to such an amount as not to be able in the least to compete with those of the Free Zone. This result has been foreseen in the same decree, for the eighth article says: "As the concession granted by this law should not be in detriment to the national revenue, the inhabitants of the frontier should by duty prevent, by all the means in their power, that this benefit granted them should be converted into a shameful traffic of smugglers: consequently, every inhabitant of the frontier should spontaneously convert himself into a sentinel, constantly persecuting contrabands; otherwise the government will find itself obliged to withdraw this privilege by annulling this decree."

The caution contained in the foregoing article is truly ridiculous. Society has the obligation of compensating the services that some of its members lend to it in benefit of the whole community. Thence proceeds that every public employé has a salary assigned to him. By what right, then, do they wish to transform all the inhabitants of the "Free Zone" into employés of the counter-guard without any compensation?

It is even against common sense to tell them that they ought spontaneously to constitute themselves into persecutors of contraband.

They have full reason for answering, What does it matter to us that the treasury should suffer by contraband? We have our own private business to attend to. If the State wishes us to exercise a constant vigilance, they must pay us; otherwise we will not do it. And the threat of withdrawing the privilege granted to them has never been carried out, notwithstanding that there have been plenty of motives for doing so.

Justice requires that the taxes that are imposed on the people should be equal all over the country. If they wanted to make exceptions to this rule in favor of a few, considering them under peculiar circumstances, we should end in the impossibility of giving out general laws. Everybody would invoke for himself some exceptional circumstance or other, with the object of escaping from compliance, and we do not deny that in many cases these pretensions would not lack basis; but carrying this principle of concession and exemptions to its greatest extent would necessarily occasion the total dissolution of society, as it could not subsist under a republican form without complete equality before the law with regard to all its members.

The decree of citizen Ramon Guerra was carried out, as soon as it was published in the protected towns, in conformity with the ninth article of the same, and as it said in it that it would remain subject to the examination and approbation of the congress of the State in their next meeting in ordinary sessions, and to that of the general congress when constitutional order should be again established, more than three years passed before the latter ratified it, and then did so, obliged by circumstances which it is not necessary to mention now; issuing on the 30th of July, 1861, the corresponding decree, which President Juarez ordered to be published through his minister of finance, Citizen Higinio Nunez.

We should also call attention to the fact that in that of Guerra the words "favor" and "favored" are constantly used. It is well known that where there is favor there is not justice. The two words contradict each other. Still further, a favor granted to a portion of the citizens, easily and, in the present case, necessarily involves an injustice for the rest, and every society, to deserve the name of being well organized, should treat its members with perfect impartiality.

In November, 1870, Minister Romero presented himself before congress recommending the abolition of the "Free Zone." His efforts were useless. The majority of the deputies confirmed said privilege, and, not content with that, they gave it greater extension, including in it the places situated on the frontiers of the States of Nuevo Leon and Coahuila. This resolution was undoubtedly owing to the patriotic sentiment of the representatives of the nation, who did not wish to appear to submit to the exactions of the Government of Washington, presented in a very rude manner by the American minister in Mexico, Mr. Nelson. We are far from wishing to blame such a sentiment; but we think that in this case it took the wrong direction.

Let us suppose that an enemy gives us interested advice, worded in imperative manner, but at the same time in conformity to our own interest, to justice, and to reason: what should we have to do then? Reject it, only because it came from such a source? By no means. We ought to say to the enemy: I take no notice of what you propose to me. I do not recognize your right to give me advice, and much less to give it in an offensive manner; notwithstanding, I will act according to it, not because you wish it, but in spite of your wishes: only because I cannot and do not wish to act contrary to the principles of justice, nor to withhold from doing what it is my interest to do.

This is more or less the situation we are placed in with regard to the "Free Zone."

The Americans cry out against it. They declare it injurious to their treasury and to the inhabitants of the State of Texas. They even dare to insist on its abolition, using threats, and making of the question a *casus belli*. Our duty is to answer them that they have nothing to do in this affair, and they have no right to demand the modification of our customs legislation, in the same manner as we should not have it to make observations if they suddenly chose to pass from the protective system to that of perfectly free trade, suppressing all their custom-houses and decreeing the introduction of foreign goods free from all payment, however much our national rents might suffer by such a measure on account of the facility of contraband. But, after thus saving our honor and dignity, we should study the question under the only true light of our own interest, and whether it is against the existence of the "Free Zone," as has been proved by an experience of fourteen years; if, also, respect to justice obliges us, as it does, to annul a decree that on every side is unjust and prejudicial to the majority of the Mexicans, principally for the commerce of Tampico and Vera Cruz, we ought not for a moment to waive in decreeing said abolition. The "Free Zone" should disappear. It constitutes an anomaly and an injustice, and we hope the question will be thus settled by our congress, as soon as it is submitted to it again, not taking into consideration the state of revolution in which the frontier States are. We being a weak nation compared with the United States, have the more reason for being susceptible with regard to any attempt on their part to intervene in our interior administration and management. We ought to reject it with the greatest energy, and very decisively. For this reason our government ought not even to enter into long explanations with that of the neighboring republic about the message of Grant, which has made us write these lines, but should say to it, with due politeness, look after your own affairs and let me arrange mine according to my own judgment. Much less ought it to appear instigated by it to submit this affair to the deliberation of the national representation, and the latter, in their discussions, should completely overlook the exactions prescribed by Grant and his cabinet, considering them never to have existed. But our susceptibility should not reach the extreme of preserving an evil for the sole reason that it was also pointed out to us by a foreign nation. This evil exists; it is impossible to deny it. To work, then, to stop it as soon as possible, and if there result simultaneously from it more friendly relations with the Union, if in consequence of the abolition of the "Free Zone" there should spring up a more perfect harmony between the two people, so much the better, because it is always an advantage to live on good terms with a strong neighbor. But this consideration must not influence our resolutions. The measure we recommend should be taken freely. Only our own interest, properly understood, and justice, should be the motives that make us act in this case, as in others of the same nature. *Down with the "Free Zone," and long live the national dignity!*

No. 298.

Mr. Nelson to Mr. Fish.

No 532.]

LEGATION OF THE UNITED STATES,
Mexico, March 18, 1872. (Received April 2.)

SIR: On the 2d instant General Rocha met the insurgent forces at La Bufa, two miles from the city of Zacatecas, and after a hard-fought battle succeeded in completely dispersing them with the loss of their artillery and of more than two thousand killed, wounded, and prisoners. According to the bulletin of General Rocha, the insurgents numbered nine thousand, while his own forces were only five thousand, his reserve being a day's march in the rear. The revolutionists were commanded by all their principal chiefs, including Treviño, Pedro Martinez, Guerra, and Garcia de la Cadena, who fled in different directions with but a few hundreds of cavalry. The two former took the direction of the Texan frontier, Guerra that of Durango, and Garcia de la Cadena sought refuge in the mountains of Zacatecas. This blow may be considered as decisive of the fate of the revolution. General Rocha is now marching against Durango, and General Corella against Saltillo. Order has been nearly restored in the States of San Luis, Zacatecas, and

Aguas Calientes, and the pacification of Durango, Coahuila, and Nuevo Leon will probably be accomplished very soon.

The numerous hordes of insurgents, largely composed of professional bandits, who find shelter in the mountains of Puebla and have several times attacked the railroad, have determined the government to declare martial law in the State of Puebla, under the administration of General Alatorre. The division under his command has been conveniently distributed throughout the State, and will doubtless soon reduce it to order. The States of Durango, Coahuila, and Nuevo Leon have also been placed under martial law as a preliminary to their expected reconquest.

The uncertainty which has existed for two months as to the whereabouts of Porfirio Diaz is at last terminated by the announcement that he has arrived at New York.

The expedition that left Manzanillo under the orders of Colonel Saavedra, to attack Mazatlan, completely failed, the whole force having been captured by the insurgents.

On the northern frontier, the rebel General Quiroga has successively taken the towns of Guerrero, Mier, Camargo, and Reynosa, all ports on the Rio Grande. The southern portion of the State of Vera Cruz continues in a disturbed condition.

A considerable force of rebels was repulsed from San Andres Tuxtla on the 29th ultimo, with the loss of two hundred men. At latest advices, the port of Minatitlan had also been attacked by a rebel force, probably from Acayucan, but had driven back the assailants, killing their chief. The local revolution in Tabasco continues to cause alarm to the State government. The second regular session of the Mexican congress will begin on the first of April, and the "preparatory juntas" on the 20th instant. Interesting discussions are expected upon the financial policy of Minister Romero's late decrees.

I am, &c.,

THOMAS H. NELSON.

No. 299.

Mr. Fish to Mr. Nelson.

No. 234.]

DEPARTMENT OF STATE,
Washington, March 22, 1872.

SIR: A copy of a letter from the Treasury Department, dated the 16th instant, covering one from Mr. M. Kenedy, on the subject of further depredations committed in Texas upon citizens of the United States by marauders from the Mexican side of the line, is herewith transmitted.

You are requested to lay these papers before the minister for foreign affairs of Mexico, and to demand that reparation be made for the alleged outrages upon our citizens.

I am, &c.,

HAMILTON FISH.

[Inclosure 1.]

Mr. Boutwell to Mr. Fish.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
March 16, 1872. (Received March 18.)

SIR: I inclose a copy of a letter written by Mr. Kenedy, of Brownsville, Texas, to Judge Downey of that place, now in this city. This letter corroborates the statements

received from other sources, that American citizens on the line of the Rio Grande are subject to depredations on the other side of the river, and the loss of large numbers of cattle.

Yours, respectfully,

GEO. S. BOUTWELL,
Secretary.

[Inclosure 2.]

BROWNSVILLE, TEXAS, *March 8, 1872.*

EDWARD DOWNEY, *Washington City, D. C. :*

Conducta from Zacatecas, via Camargo and Rio Grande City, arrived to-day, bringing \$500,000. Was attacked by Coballo Blanco at ferry opposite Rio Grande City. No harm done.

On evening of 6th, seven hundred head of cattle were crossed by an armed band of Mexicans at Santa Maria. They took Inspector Sheldon, the two Champions, and others prisoners, and held them until the drove was safely crossed into Mexico. Will write fully by mail.

Yours truly,

M. KENEDY.

No. 300.

Mr. Nelson to Mr. Fish.

No. 533.]

LEGATION OF THE UNITED STATES,
Mexico, March 25, 1872. (Received April 12.)

SIR: I have the honor to inclose a copy of a dispatch from the United States vice-consul at Zacatecas, Anthony M. Kimball, esq., dated the 11th instant, in which the late important military operations in that vicinity are described with interesting particulars not generally known.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.]

Mr. Kimball to Mr. Nelson.

UNITED STATES CONSULATE,
Zacatecas, March 11, 1872.

SIR: In due course I had the honor to receive your communication of 30th December returning my certificate of appointment as vice-consul, accompanied by the exequatur from the Mexican government. For your kindness in obtaining the last I beg to renew my thanks. The suspension of all communication with the capital, for more than a month past, had prevented me from giving you information regarding late and important events in this State; and although you will have been made acquainted with them through the press, I now proceed to lay before you some details connected therewith, which I think may not prove uninteresting. Toward the end of January, the belligerents occupied the following positions: Guerra, with one thousand eight hundred men, in Sombrerete; Garcia de la Cadena, with one thousand in Sierra Hermosa; Pedro Martinez, with one thousand two hundred, in or near Charcas, (State of San Luis.) General Neri, with his brigade of three thousand men, composed of Federal and State troops, in about equal proportions, established his headquarters at Fresnillo, with the object of preventing a junction between Guerra and Cadena, but the former made a rapid march across Neri's front, and reached the hacienda of Bañon on the 28th, thus placing himself on his right flank, and in close proximity to Cadena. Having missed his aim, Neri marched on the same day to Calera, (half-way between this and Fresnillo), intending to retreat to this city, and to protect it against a *coup de main* on the part of Cadena. On the following morning he learned that Guerra had advanced from Bañon, and was

moving in this direction. He immediately determined to intercept him, hoping to crush him before he should be re-enforced by either of his allies, and at 3 p. m. succeeded in coming up with him at Matapulgas, a small rancho distant about seven leagues from this city. The battle commenced at once, and was well contested for about three hours, when the day seemed to be lost for Guerra, who, with four hundred of his best men, had been made prisoners. However, Neri was wounded in the right foot, and, his horse having fallen with him, he received a very severe blow on the side that incapacitated him from any further share in the battle.

General Tolentino, the second in command, although personally exceedingly brave, (he had two horses killed under him.) was totally unfit to direct the maneuvers, and allowed the propitious moment to escape him. Just then the dust raised by the troops of Martinez and Cardena could be distinctly perceived, advancing across the plain at a furious rate.

The sight of them revived the sinking courage of Guerra's men, and occasioned some disorder among those of Neri. These, properly managed, could have stood their ground and faced the new assaults, but unfortunately two well-directed shells exploded in the midst of the Zacatecas cavalry, and the colonel, Mariano Diaz, immediately took to his heels, followed by all his men. This unlucky incident made Neri's troops lose heart, and the disorder soon became a complete rout.

We received the news at 8 o'clock, and Governor Cosio, who had remained in town with a small garrison of three hundred infantry, had some idea of defending the city, but being made to see the folly of attempting it with the elements at his command, he at last determined to retreat to Aguas Calientes, and left at 2 a. m., taking with him the garrison, a small police force, and the civil employes, and, although closely followed by Martinez, kept up a running fight, and made good his retreat. General Sanchez Ochoa, who was advancing with a re-enforcement of twelve hundred men, and had started from Aguas Calientes on the day of the battle, fell back on that place when he learned the state of affairs. The result of the battle was about one hundred and twenty killed, and two hundred wounded, the greater part being of Guerra's men, and of the last fully two-thirds died afterwards.

The conquerors took possession of this place on the following day, named Don Trinidad Garcia governor, and instituted a reign of terror unprecedented in the annals of Mexican revolutions, pressing into the ranks all the able-bodied men of the lower classes that they could catch, and extorting arms, horses, maize, cattle, &c., from all the haciendas and ranchos within a radius of twenty-five leagues.

By this mail I send you some numbers of the official paper containing several curious documents, among them a decree of Guerra, levying a forced loan of \$151,000, borne almost exclusively by the merchants, miners, and hacendados, residents of this city. Likewise a decree of Cadena, confiscating the property of his political enemies.

Treviño arrived here on the 9th, having left his force at Sierra Hermosa, (some twelve hundred men, mostly mounted riflemen,) from which place it marched to Salinas, half-way between this and San Luis. Justo Benitez, secretary to Porfirio Diaz, and Lancaster Jones of Guadalajara, arrived a few days afterward, and had several long conferences with the military chieftains, in which it was proposed to reform the plan of the Novia, and to proclaim Mr. Lerdo president. This proposition came from Lancaster Jones, and was warmly seconded by Martinez and Cadena, but was opposed by Guerra and Treviño, who, no doubt, considered themselves better entitled to the presidency. They could come to no arrangement; and the only result of the conferences was the appointment of Treviño as commander-in-chief. The forces, increased to eight thousand men, exclusive of Treviño's men, commenced leaving for San Luis on the 8th; the last detachment, led by Guerra, starting on the 15th; Cadena remained here for the purpose of raising more troops, and of embargoing the property of those persons who had not paid their share of the forced loan. On the 26th we learned that Treviño was in full retreat before General Rocha, and would arrive that day at Aguas Calientes. He made thence a rapid march, and reached Guadalupe (one league from this) early, in the morning of the 29th.

All the rebel generals entered this city on the following day, and immediately made preparations for a battle. I counted the force as it marched in, and it numbered three thousand infantry, two thousand cavalry, with six heavy and twelve light pieces of artillery. Here they were re-enforced by the garrison of the town, a number of guerrillas and seven hundred convicts from the jail, in all about fifteen hundred men. Martinez, took position in the center, on the "Bolsas" hill, that commands the road from Guadalupe. Guerra on the left, at the "Bnfa," a large and steep hill immediately at the back of the town; Cadena, with the cavalry, on some eminences to the right. Treviño established his headquarters at the citadel. Rocha slept at Refugio (seven leagues distant) on the 1st, arrived at Guadalupe the next day at 1 p. m., and ordered the attack at once, without giving his troops a moment's rest. His cavalry he posted to the left, to keep in check that under Cadena. General Corella, with some infantry, six 36 and four 12 pounders, took position on a slight rise of ground half way between Guadalupe and "Bolsas," and opened a heavy fire on Martinez. Fuero, with two bat-

talions of infantry and three light pieces of artillery, was ordered to march up to the Bufo, but was met by a terrific fire of artillery and musketry, that completely staggered his columns, which, being attacked at the same moment in the rear by some cavalry under Naranjo, were thrown into great disorder, and had to abandon the artillery. It was a critical moment, but Rocha was equal to the occasion.

Calling up the reserve, he placed himself at the head of the troops, and marched steadily up the hill, despite a murderous fire, carrying the position by assault. Martinez had held his ground, and twice had even attempted to attack Corella's position, but his columns, when about half way, had to recoil before the deadly fire of grape from Corella's artillery. At 6 o'clock he withdrew the remnant of his forces and most of his artillery, and joined Cadena, who, with the cavalry, had taken no part in the battle. The official report is not yet published, and there are many contradictory accounts regarding the losses, but as far as I can judge there were between three and four hundred killed, and twice as many wounded. Prisoners, about four hundred, all the principal leaders escaping. Cadena, with his "guerrilleros," made for his old haunts in the southern part of this State. Treviño, Guerra, and Martinez arrived with two thousand men at Mezquite, eight leagues beyond Fresnillo, and there separated, Treviño taking the road to Saltillo, Guerra to Durango, and Martinez to Catorce. A party of two hundred and fifty cavalry, under Colonel Ordoñez, has been sent in pursuit of Cadena. Corella with his forces left yesterday evening for San Luis, and Rocha, with his division and the Guanajuato forces, left to-day for Durango. It is deeply to be regretted that the insubordination and love of pillage on the part of some of the Guanajuato troops should have cast an indelible stain on this brilliant victory.

On the taking of the Bufo, a party of them, without officers, rushed into the principal streets, and commenced firing at the doors of the shops. They got into and sacked the hat-shop of Messrs. Langmack & Co's, (German,) the grocery of Minjounet, (French,) two pawnbroker's, (Mexican,) and several small shops and dwelling-houses in the suburbs. Many shots were fired at the door of the mint, but, fortunately being a very strong one, it baffled all the efforts of the assailants.

Mr. Minjounet, in the absence of a French official representative, and considering himself under the friendly protection of the United States, addressed himself to me in order to bring his application for redress before the Mexican authorities. Herewith I have the honor to hand you copies of the documents to which this painful incident has given origin; No. 1 being Mr. Minjounet's communication to me; No. 2, mine to General Rocha, and No. 3, that gentleman's reply. My action has been limited to a recommendation of the case, and I hope it will be approved by you. The courteous terms in which the general's communication is worded leads me to expect that the Mexican government will award prompt and full indemnity to the sufferer.

I am, &c.,

A. M. KIMBALL.

No. 301.

Mr. Nelson to Mr. Fish.

No. 534.]

LEGATION OF THE UNITED STATES.
Mexico, March 25, 1872. (Received April 12.)

SIR: Herewith I transmit a copy and translation (A and B) of a decree issued on the 16th instant, by the Mexican government, facilitating to foreign vessels the pearl and other fisheries upon the Mexican coasts, and establishing regulations for the same.

I am, &c.,

THOMAS H NELSON.

[Translation B.]

TREASURY DEPARTMENT, FIRST SECTION,
Mexico, March 16, 1872.

The collector of the port of Progreso having requested instructions from this Department as to the manner in which he should proceed as to the fisheries along the coast of the republic, the President has deemed proper, in the exercise of the faculties granted him by the first clause of the eighty-fifth article of the constitution, to order that the

following rules be communicated to him, and that they be applicable to all the coasts of the republic.

I. The fisheries in the waters of the republic are free to all the inhabitants thereof, as also the industry of pearl-diving and the collection of all marine productions.

II. National vessels may engage in the transportation of such productions, free of duties, without any other condition than that of inscribing the names of the vessels and crews at the nearest custom-house, the collector of which is authorized to issue the proper permit.

III. The said permit shall be annually renewed, and information thereof forwarded to the treasury department.

IV. Foreign vessels can only engage in this traffic, after presenting themselves to the proper custom-house, at which they will pay the regular tonnage duty, which shall be for the present one dollar per ton, and they will thereupon receive a temporary permit for a term not to exceed six months.

V. To obtain such permit, it will be indispensable to register the names of the vessel, of the captain, and the crew.

VI. The number of the crew shall not exceed twenty-five.

VII. The permits above mentioned shall enable their holders to construct on the coast provisional dwellings for the preparation or storage of the products of their fishery.

VIII. In order to construct such dwellings, license shall be obtained from the nearest municipal authority, and the crews shall be subject to the laws of the republic from the moment when the license is solicited. Said license shall not be granted except in view of a permit from the proper customs authority.

IX. The municipal authority will designate the place each fishing-vessel may carry on its occupation.

X. The customs guards may at any moment visit the establishments of fishing or pearl-diving, and search the vessels engaged in such business, in order to prevent the smuggling of foreign goods under cover of this privilege.

XI. In case of seizure in the act of smuggling, vessels and utensils will be confiscated, and other penalties will be applied after the proper trial, in accordance with the provisions of the customs code.

XII. The collectors of ports, after consultation with experts, will fix the time within which pearls may be collected, so as not to admit of any danger of destroying the young pearl-oysters.

XIII. The said collectors will designate the area within which each holder of a permit may exercise his industry, marking the bounds of such space so as not to trespass on others. This area will be mentioned in the permit.

XIV. All vessels, foreign or national, that engage in this traffic without obeying these regulations and the general laws of the republic, will be mulcted by the collector of the nearest port to the point of seizure, in the amount fixed by law, and detained in such port until payment of the fine.

XV. These regulations in Spanish, English, French, and German, shall be posted in a visible spot at all custom-houses.

ROMERO.

No. 302.

Mr. Nelson to Mr. Fish.

No. 535.]

LEGATION OF THE UNITED STATES,
Mexico, March 25, 1872. (Received April 12.)

SIR: Pursuant to the instructions contained in your No. 178 and 227, I addressed, on the 18th instant, a note to Mr. Mariscal, of which I inclose a copy, setting forth the evils and perils which result from the incursions of the Kickapoo Indians into Texas, and from the impunity which those marauders have hitherto enjoyed. At the same time I represented the absolute necessity of vigorous measures for the final suppression of these outrages, and that the most efficacious means for that end would be a decided co-operation in carrying into effect the project of the Government of the United States for the removal of those

Indians to their reservations. To this end, I again solicited permission for troops of the United States to cross the Mexican frontier.

I have not yet received the answer of Mr. Mariscal.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.]

Mr. Nelson to Mr. Mariscal.

LEGATION OF THE UNITED STATES.

Mexico, March 18, 1872.

SIR: During the last three years I have had frequent occasion to address the Mexican government, officially and unofficially, upon the subject of the constantly occurring incursions of the Kickapoo, and other Indians of the frontier, into the State of Texas, where they have committed numerous murders and robberies. Some of my notes have been directed to the object of obtaining protection to the citizens of the Texas frontier, by the exertion of the authority of the Mexican government to restrain and severely punish such outrages. Others have solicited the co-operation of the Mexican government in an attempt to remove to their reservations, within the United States, such Indians as have migrated from American to Mexican territory, and have suggested or requested permission for troops of the United States to cross the frontier in pursuit of hostile Indians, or in aid of the agents employed to collect the scattered bands.

I would respectfully call your excellency's attention to my notes of July 24, August 11, and October 29, 1869, of February 4, April 7, and 15, 1870, and of January 4, and April 12, 1871, remarking at the same time that, on several other occasions, I have received from my Government documents and instructions which should properly have been the occasion of other similar notes, but that in consequence of the disturbed or abnormal condition of the country, and desirous to avoid difficulties for the Mexican government, I have limited myself to verbal representations on the subject.

To my request for permission for American troops to cross the frontier, the Mexican government replied, on the 16th of April, 1870, and again on the 7th of January, 1871, that it did not possess the faculty of granting such permission, but on the latter occasion offered to submit the request to congress if desired.

In answer to an inquiry on my part, the acting minister of foreign affairs informed me on April 20, 1871, that the Mexican government "had arrived at the conclusion that the present would not be the most fitting occasion to solicit such permission from congress with any well-founded hopes of obtaining a prompt and favorable decision."

In the said note of the 16th of April, 1870, the government of Mexico offered its co-operation in the "just and humane object of the Government of the United States" in the removal of these Indians.

The American Congress made an appropriation of \$25,000 for that purpose, and last summer agents were sent to the Kickapoo Indians to induce them to remove to their reservation, and to furnish them the means of so doing.

Instead, however, of meeting with any co-operation from the Mexican authorities, the said agents reported that their attempt had been defeated by the opposition of the Mexican authorities, who employed not merely persuasion, but bribes, for that purpose.

It is with regret that, in view of these antecedents, I am forced to remind your excellency that none of my representations, formal or informal, have led to any satisfactory result.

The depredations complained of have continued and still continue. In a dispatch dated the 27th ultimo, which was accompanied by new documents upon recent Indian outrages, the Secretary of State of my Government uses the following language:

"It must be obvious to the Mexican government that the ravages referred to cannot fail to occasion great irritation among those citizens of Texas who suffer from them, and that in the interest of the good understanding which we are desirous of maintaining with the Mexican Republic, the government of that republic is expected to exert its authority toward checking the raids of the robbers referred to." In proof of the gravity of the evil, and of the feeling naturally aroused in Texas, I beg to inclose a copy of a resolution which passed the Texas legislature on May 24, 1870, and was presented to the American Congress on the 10th of June of that year. It is evident that the sentiments therein expressed cannot but have acquired increased vehemence at the present time.

Though discouraged by the failure of the attempt of last year, my Government is of the opinion that the only efficient remedy for these depredations will be the removal of these Indians to their reservations within the United States. To effect such removal, it is now more than ever apparent that our agents must count not only upon the active assistance of the Mexican government, but, if possible, upon the said permission for

our troops to cross the frontier, which I am instructed again to solicit. It is hoped that as the President of Mexico is now invested with "extraordinary faculties" he will find no difficulty in acceding to this request.

I would respectfully suggest that, upon the re-occupation of the States of Coahuila and Nuevo Leon by the government forces, advantage be taken of the temporary government of those States by martial law to take those speedy and efficient measures for the final cessation of Indian outrages which my Government has instructed me to urge, and which would seem to consist in lending an active support to the views of my Government for the removal of those Indians. Should the Mexican government accede to the prompt realization of this enlightened and humane policy, I will lose no time in communicating so satisfactory a statement to the Government of the United States, in order that speedy measures may be taken to co-operate with the Mexican authorities on the frontier. My Government will take the highest satisfaction in seeing thus permanently removed a constant source of disturbance in those intimate, friendly, and cordial relations which should ever subsist between two nations whose interests and sympathies are so nearly akin.

I take pleasure in renewing to your excellency, upon this occasion, the assurance of the very high consideration and respect with which I have the honor to remain your excellency's obedient servant,

THOMAS H. NELSON.

No. 303.

Mr. Nelson to Mr. Fish.

No. 536.]

LEGATION OF THE UNITED STATES,
Mexico, March 25, 1872. (Received April 12.)

SIR: Pursuant to the instructions contained in your dispatch No. 215, I addressed, on the 20th instant, a note to Mr. Mariscal calling his attention to the numerous murders recently committed in the Territory of Arizona by malefactors from the Mexican State of Sonora, and manifesting the urgency of some efficacious measures for the prevention of such outrages in the future.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.]

Mr. Nelson to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, March 20, 1872.

SIR: The Government of the United States is informed by the authorities of the Territory of Arizona that numerous murders have recently been perpetrated within that Territory, near the Mexican boundary, by malefactors proceeding from and escaping to the Mexican State of Sonora. Some of these crimes have been attended with circumstances of such peculiar atrocity as to excite public indignation against the assassins to an alarming intensity, in view of the fact that, when once the criminals have reached Mexican soil, the experience of last year is supposed to show that the State government of Sonora will neither punish them itself, surrender them, nor take any efficient steps to prevent a renewal of such deeds of blood.

Unless some energetic measures of repression be taken by the Mexican authorities my Government believes it will be impossible to prevent the aggrieved parties from retaliating in the same way upon Mexican citizens residing in that Territory, a proceeding which could not fail to disturb the existing cordial relations between the two governments. In the interest of preventing such lamentable consequences I have been instructed to present the above facts to the Mexican government, and to manifest the urgency of some efficacious measures for the prevention of such outrages in the future.

I am, &c.,

THOMAS H. NELSON.

No. 304.

Mr. Nelson to Mr. Fish.

No. 538.]

LEGATION OF THE UNITED STATES,
Mexico, March 30, 1872. (Received April 12.)

SIR: Referring to my dispatch No. 536, I have the honor to inclose herewith a copy and translation (A and B) of the reply of Mr. Mariscal to my note of the 20th instant relative to the frequency of murders by Mexicans in Arizona. This reply, though dated the 23d instant, was not received until several days later.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.]

*Mr. Mariscal to Mr. Nelson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 23, 1872.

SIR: I have received your excellency's note of the 20th instant, in which you state that the authorities of the Territory of Arizona have informed the Government of the United States that numerous murders have been committed in that Territory near the Mexican frontier by malefactors who come from the State of Sonora, into which they escape after perpetrating these atrocious deeds.

Your excellency, pursuant to instructions from your Government, manifests the urgency of efficacious measures being taken to prevent such outrages in the future. In reply I take pleasure in informing your excellency that I have to-day transmitted your note to the government of the State of Sonora, calling for a report upon the facts in question at the earliest moment, in order to make a proper reply to your excellency and take the necessary measures.

I improve this opportunity to renew to your excellency the assurance of the high consideration with which I am your excellency's obedient servant,

IGNACIO MARISCAL.

No. 305.

Mr. Nelson to Mr. Fish.

No. 539.]

LEGATION OF THE UNITED STATES,
Mexico, March 30, 1872. (Received April 12.)

SIR: The battle of La Bufa has been followed by the federal occupation of Durango and Mazatlan and the pursuit of the rebels toward Saltillo and Monterey, which are their last strongholds. The insurgents in various States of the center have been almost entirely disbanded, but in the mountains to the north of Puebla they have become more numerous under the command of Negrete and many other generals, including several members of congress. This has rendered it necessary for General Alatorre to undertake personally the pacification of that district.

I am, &c.,

THOMAS H. NELSON.

No. 306.

Mr. Nelson to Mr. Fish.

No. 543.]

LEGATION OF THE UNITED STATES,
Mexico, April 8, 1872. (Received April 12.)

SIR: On the 1st instant the secretary of the treasury presented to

congress an interesting report on the use which he has made in his own department of the extraordinary faculties granted to the government by congress in December last. As some of the measures decreed by him, such as the new tariff, and the law concerning the use of revenue-stamps, might seem to go beyond the spirit of the grant of ample faculties, which was intended merely to enable the government to suppress the rebellion. Mr. Romero begins by asserting that he has confined himself within the strict letter and spirit of that grant. Quoting from the said law the clause authorizing the executive "to provide resources to impose contributions, and make disbursements for the object of re-establishing and preserving public peace," he argues that Congress thereby delegated to the Executive its legislative faculties in financial matters, and that any measure tending to increase the federal revenues during the subsistence of the rebellion is clearly within the said "ample faculties."

Mr. Romero proceeds to say that, in order to augment the federal revenues, two courses were open to him, one being the ancient system of forced loans and contributions, and the other to adopt a new legislation for the purpose of increasing the receipts, by stimulating production, the movement of commerce and the development of the sources of wealth. Between these two systems the Executive could not hesitate to adopt the latter.

At first sight it would seem that the readiest method of obtaining money would be the imposition of new taxes, for which the government had explicit authority by the law of December 1, 1871. Nevertheless, in view of the grave objections to this course, which would have been only partially efficacious, and might have produced disaffections tending to prolong the insurrection, the government deemed it possible to obtain the desired results in another manner, and the result has justified that opinion.

Notwithstanding the heavy additional expenses brought about by the rebellion, the sequestration of the federal revenues by the insurgent States, and the paralyzation of commerce from the same causes, the government has been able to purchase at current prices all effects required for the use of the army, and to pay that army sometimes in advance of the stipulated day.

As it was necessary for the efficiency of the measures adopted that they should establish general rules of permanent application, they have taken the form of laws. In consequence, Mr. Romero submits to Congress the various laws and contracts which he has authorized by virtue of his "extraordinary faculties," most of which have already been the subjects of special dispatches to the State Department. They include the new tariff of the 1st of January last, the law upon revenue-stamps, the contracts giving subsidies to steamship lines, the law for the free exportation of bullion, that granting freedom of pearl and other fisheries, that upon contributions in the district, the contracts with the various mints, the various measures concerning the collection of duties on goods proceeding from the insurgent States of the north, and that for the establishment of coast-guard steamers.

I am, &c.,

THOMAS H. NELSON.

No. 307.

Mr. Fish to Mr. Nelson.

No. 237.]

DEPARTMENT OF STATE,
Washington, April 13, 1872.

SIR: The Attorney General has addressed a letter to this Department under date of the 5th instant, covering a "report" of the grand jury of the United States district court of Texas, relative to the depredations perpetrated upon citizens of that State by persons coming from the Mexican side of the Rio Grande. Copies of these papers are inclosed herewith. You are requested to lay them before the minister for foreign affairs, to remonstrate earnestly against the outrages therein alleged, and to demand redress for them.

I am, &c.,

HAMILTON FISH.

[Inclosure 1.]

*Mr. Williams to Mr. Fish.*DEPARTMENT OF JUSTICE,
Washington, April 5, 1872. (Received April 6.)

SIR: I have the honor to transmit, for your consideration, the report of the grand jury of the United States district court for the eastern district of Texas, relative to the invasions of that State, and depredations committed upon the people by persons from the Mexican side of the Rio Grande.

Very respectfully,

GEO. H. WILLIAMS.

[Inclosure 2.]

Report of the grand jury, impaneled at the March term, A. D. 1872, of the United States district court held in Brownsville, within the eastern district of Texas, and submitted to the court on their discharge.

BROWNSVILLE, TEXAS, *March 25, 1872.*

FEDERAL GRAND JURY REPORT.

The United States of America, eastern district of Texas.

To the Hon. Amos Morrill, judge of the district court of the United States for the eastern district of Texas.

The grand jurors of the United States, in their final presentment to your honorable court, at the close of their session, respectfully present:

That since they were impaneled on the 7th instant, they have found fifty-seven true bills of indictment, being mostly for violations of the revenue laws.

That they have collected a considerable mass of testimony, to which they will again respectfully call the attention of the honorable court. That the exigencies of the public service demand the erection in the city of Brownsville of a building large enough to serve for a custom-house, a federal court-room, and a post-office. It is respectfully suggested that the construction of such a building would be a measure of economy on the part of the United States, and would save the paying out of large sums for the rent of houses not in every respect calculated to meet the wants and afford the proper conveniences to the officers and employes occupying them, while in the service of the Government. An appropriation for the purpose is respectfully suggested.

In approaching the matter of the depredatory war which has been waged against the defenseless citizens of the United States, and residents of the valleys of the Rio Grande, the Nueces, the Rio Frio, and their tributaries, there is hesitancy, because the short limits of a presentment will not give an adequate idea of the extent of the hostile operations, the number of valuable lives lost, and the aggravated character and

the enormity of the excesses which organized bands of men, fitted out in Mexico, have perpetrated upon the people of Western Texas.

The honorable court is respectfully referred to the accompanying evidence, but at the same time we would request that the same be not filed and made a part of the records of the court, and be not published, but deposited with the district attorney. The motives inducing this request will appear by a perusal of the evidence.

A reign of terror is proven to exist between the Rio Grande and the Nueces. Mercenary bands of marauders, Mexican officers and soldiers, and Mexican outlaws and bandits, have been, for about seven years, holding a saturnalia of crime, violence, and rapine upon the soil of Texas. They have denounced the penalty of death against any who may become informers. They have already sacrificed life upon mere suspicion, as in the case of young Cleveland, of San Antonio, and others. Should our request be heeded the lives of the witnesses would be taken with certainty and without remorse.

The evidence submitted justifies the declaration that a depredatory war has existed on this frontier since 1865; that it has been waged by men organized in Mexico, by Mexican soldiers acting under the orders of a Mexican general, and commanded directly by officers of the Mexican army; that the authorities of Mexico, civil and military, have countenanced, aided, and supported these hostile operations; that the robbery of our citizens has been legalized so far as the acts of Mexican officials could legalize murder, robbery, and other criminal outrages; that the markets of Mexico have been used openly, publicly, and shamelessly, to effect the sale of property robbed from the people of Texas; that Mexican officials, merchants of that and other nationalities, and all classes of Mexicans, have bought and sold cattle, hides, horses, and other property, stolen from the people of Texas, and they have done so knowing they had been dishonestly obtained; the custom-house and municipal authorities of Mexico have profited by the piratical acts of Mexican soldiers and highwaymen, and a tax has been levied upon cattle which they knew had been taken by armed bands from the rightful owners; that the people on the Mexican side of the Rio Grande consider and treat the Americans as enemies; they claim the country between the Nueces and the Rio Grande, and express a determination to drive the Americans from it.

Among the grievances of which this people justly complain, there is none more galling than the sending of General Juan Nepomuceno Cortina to this frontier. It may be truly said that he has written the history of his career on this side of the Rio Grande in letters of blood and fire. The criminal who stands charged upon the oaths of twelve men, good and true, of murder, theft, and treason, who levied war upon the United States, murdered its citizens and soldiers, and robbed its mails, who laid waste one hundred and twenty miles of frontier, and who now occupies the double position of ranking officer of the Mexican army upon the line of the Bravo, and ranking cow and horse thief on both frontiers, has been retained on duty against the protest of General McCook, which was communicated to President Juarez. His retention is a deliberate, willful, and studied insult to the Government of the United States, its officers and people.

General Cortina has given his officers and soldiers orders to kill and rob the people of Texas. He has received a large share of the plunder. He has stocked four ranches mostly with cows and horses stolen from Texas.

It is believed from the evidence and from other reliable authority that since the close of the civil war in this country there has been an average of five thousand cattle stolen from Texas monthly, and driven into Mexico, and this estimate is confined to the lower Rio Grande. The total number is estimated at four hundred and twenty thousand, and the actual value at six million three hundred thousand dollars. This does not include losses accruing from the depredations of the Kickapoo Indians, naturalized citizens of Mexico. The loss of life, the sense of insecurity, the decreased value of property, the paralyzation of business, and the moral effects resulting from this war cannot be estimated. Some of these defy the sordid valuation of dollars and cents.

The grand jurors would respectfully call attention to the assaults which have been made upon officers of the United States Government while in the discharge of their duties, to the threats against them, to their forcible detention, and to the obstructions preventing them from performing their duty; and all these acts are shown to have been done by raiders with the approval and protection of Mexican authorities. It is known to the world that United States officers have been killed on the Rio Grande by armed Mexicans, and that employment in a public capacity, requiring the officer to visit out-of-the-way places, is a position of peril. Inspector Dupont killed in Brownsville, and the murder of Inspectors Hammond and Phelps, and the wounding of others at Clarksville, are facts officially recorded; and the fate of Inspector McLaughlin may be attributed to the same hands.

The evidence of all witnesses, irrespective of nationality, is conclusive as to the insecurity of life and property on this frontier. There is no protection to the citizen in the enjoyment of his rights and privileges. His life, his liberty, and whatever a freeman holds dear are at the mercy of armed invaders. They invade his home, insult

his family, and violate the properties, the decencies, and even the sanctities of private life with impunity. Our fellow-citizens of Mexican origin and of other nationalities have suffered alike with the native American, because the same flag covers them, and they have incurred the hostility of a people who hate everything American, and deem it legitimate to assault and plunder all over which the American banner floats.

This deplorable state of affairs, this loss of life and property, and the misfortunes which have, in a manner, crushed this frontier, have resulted from the want of an adequate force of cavalry to cover and protect the inhabitants of the Rio Grande Valley.

A mounted force, properly handled, which could follow marauders into the fastnesses of the chaparrals, pursue with Parthian vigor and perseverance over the broad prairies, could give protection and roll back upon Mexico the wave of invasion. That nation is laboring under the incurable disease of chronic revolution. Its masses have become demoralized by half a century of war and internal convulsions and dissensions. The absence of United States troops on the line of the lower Rio Grande in 1859 resulted in the Cortina war. The absence of a cavalry force capable to protect this frontier has invited the attacks of our hostile and aggressive neighbors, and the pillage of a territory covering not less than sixty thousand square miles are the fruits of the omission.

The inhabitants of this territory have suffered all the horrors of warfare, and have known none of the securities of its usages, and have appealed in vain for protection. They have published authentic statements of the wrongs and the outrages committed upon them by merciless invaders, and no sympathetic response has been returned. They are reduced to the last extremity. The alternative is presented, in the event governmental protection shall not be extended, to abandon their homes to their enemies, or to defend them. They feel that the great law of humanity allows them to resort to measures of self-defense, to repel force by force, and to meet their invaders and despoilers as freemen should, with ball and blade. And your grand jurors, though generally not residents of the section in question, acting under the solemn obligations of their oaths, do present that, in their opinion, should these plundered, harassed, and wronged people be impelled to strike for vengeance upon the breasts of those who have filled the land with violence and bloodshed, assassination, and a long catalogue of inhuman excesses, they can appear before the bar of public opinion and plead such a justification as no people in modern times have been able to produce during a period of mis-called peace.

Your grand jurors have seen with pleasure the joint resolution introduced into Congress by the Hon. John Hancock. They would respectfully suggest that a commission for the purposes contemplated would be very proper, but it would bring no relief to the suffering frontier. An effective and efficient force of cavalry to chastise and expel the armed bands, and to drive from our soil the Mexican troops now using it for making descents upon Mexican territory, as from the Lopeña ranch in Zapata County, and for plundering our people, is imperiously demanded, and at once.

Our Representatives and Senators in Congress are requested to use their influence in procuring the sending of this force to the Rio Grande.

In conclusion, your grand jury would call attention to the good understanding which has existed between themselves and the able gentlemen presiding over the honorable court, the district attorney, and all the officers of the court.

JOHN S. FORD,
Foreman, Cameron County, Texas.
C. DART,
Galveston, Texas.
J. J. HAWKINS,
Columbus, Colorado County, Texas.
J. M. CONRAD,
Galveston, Texas.
R. B. HAWKINS,
Colorado County, Texas.
M. M. JORDAN,
Galveston, Texas.
JAS. W. FIELDS,
Colorado County, Texas.
L. F. HARRIS,
Galveston, Texas.
JAMES NORTON,
Galveston, Texas.
SAMUEL PARR,
Galveston, Texas.
T. W. PIERSON,
Victoria, Texas.

OLYMPUS FERGUSON,
Colorado County, Texas.
GEORGE WILSON,
Nueces County, Texas.
W. F. BROWN,
Brazoria County, Texas.
W. H. POWELL,
Matagorda County, Texas.
THOMAS MCGOVERN,
Galveston, Texas.
H. H. WILLIAMS,
Victoria County, Texas.
D. C. ROBERTS,
Brazoria County, Texas.
DANIEL BUCKLEY,
Galveston, Texas.
R. K. SMITH,
Galveston, Texas.
JAMES F. MAGUIRE,
Galveston, Texas.

No. 308.

Mr. Nelson to Mr. Fish.

No. 549.]

LEGATION OF THE UNITED STATES,

Mexico, April 15, 1872. (Received May 1.)

SIR: I have the honor to inclose herewith a copy and translation (A and B) of an interesting article by Mr. Emilio Velasco upon the relations between the United States and Mexico, and especially upon the question of the removal of the Indian tribes from the northern States of Mexico to their reservations in the United States.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

MEXICO AND THE UNITED STATES.

BY DON EMILIO VELASCO.

[From the Siglo XIX of April 12, 1872.]

The official correspondence of the Department of State at Washington, presented on the 4th of December last, presents the state of our relations with the United States during the last year. We propose to make an analysis of the various topics mentioned in the said volume. The attack and sacking of Guaymas, perpetrated by Don Fortunato Vizcaino in 1870, is one of these topics.

The Government of the United States, in a note dated 16th of November, 1870, addressed by the Secretary of State to Mr. Nelson, the minister of that nation in Mexico, bases the responsibility of the Mexican government on the fact that Vizcaino acted under orders from Don Placido Vega, residing in the canton of Tepic; that the expedition was organized in Tepic with the connivance of Don Manuel Lozada, of whom Vega was believed to be the instrument; that although the general government has appointed officers in that canton, the appointees are creatures of Lozada; that the government itself has ordered its troops not to invade the territory controlled by Lozada; that Tepic is under the nominal authority of the functionaries appointed by the government, but the real authority of the said Lozada; that in times of peace the reparation of damages, like those done at Guaymas, belongs in the first instance to the tribunals of the country in which they are committed; but that if the judicial authority is silenced by armed force, it would be ridiculous to submit the matter to such authority, especially if there is any reason to believe that the Mexican government has voluntarily suffered its authority to be disowned in Tepic.

From these antecedents the Secretary of State at Washington argues that, so long as the Mexican government pretends to exercise jurisdiction in Tepic, it should be held responsible for the damages inflicted upon American citizens, either there or elsewhere, by forces proceeding from Tepic. This matter has not as yet led to any results, since, as it appears from other notes, no American citizen suffered any loss by the piratical assaults upon Guaymas; but it is worth while to call attention to the principle upon which the American Government bases the responsibility of its attributes to Mexico. This principle is the consent of our government in leaving Tepic semi-independent, under the real sway of Lozada, but the nominal authority of the employés of the government, whereby the latter becomes responsible for the actions of Lozada, since it would be impossible to obtain reparation from the tribunals. It should also be observed that the general style of the note is friendly, and that it reveals not merely a desire to avoid creating difficulties for our government, but also to observe all the consideration due to a friendly government.

On the 12th of December Mr. Fish, the Secretary of State, wrote to Mr. Nelson, the American minister in Mexico, stating that military operations against the Texan Indians of the mountains of Guadalupe could only succeed during winter, and with the co-operation of the Mexican authorities, instructing him to solicit from our government an authorization for the governor of Chihuahua to treat and combine operations directly with the American military authorities, allowing the latter, when necessary, to follow the Indians into Mexican territory, and employing Mexican troops in cutting off their retreat. Mr. Nelson, in compliance with these instructions, on the 4th of

January, 1871, addressed a note on the subject to Mr. Lerdo, then minister of foreign affairs.

The latter replied expressing, on the part of the executive, the best wishes to co-operate in the plan above sketched, to which end the President had authorized the government of Chihuahua to treat directly with the American authorities at El Presidio and lend them every aid.

As to the permission for American troops to pursue the Indians within our territory, Mr. Lerdo replied that the executive had not then the power to grant it, as it depended upon congress, which would meet on the 1st of April, 1871, for which reason, should it then be thought desirable, the question would be submitted to congress. Notwithstanding this favorable disposition, the lack of combination between the authorities of the two frontiers caused the state of Chihuahua to be invaded by several parties of Indians, one of which murdered the American citizen, Charles Kerl, and five companions; though the lack of combination did not spring from any fault of the authorities on either side, but apparently from the lack of time to carry it into effect.

The Mexican government nevertheless again recommended the government of Chihuahua to come to an understanding with the commander of Fort Davis.

The Government of the United States, in view of information received from its military authorities, judged proper to solicit from the Mexican congress permission for its troops to pursue the Indians within our territory, while those of Mexico should cut off their retreat.

The Secretary of State accordingly instructed Mr. Nelson on the 7th of February, 1871, as follows:

"You will consequently adopt such measures for that purpose as may seem to you proper and likely to be successful. In a matter, however, which must, if not judiciously managed, wound the sensibilities of a people so averse to anything like an invasion of their soil by foreigners, it will be necessary to move with great delicacy and caution, not merely with a view to compass the object desired, but to avoid giving offense by even proposing it."

These words prove the loyal good faith of the American Government in this negotiation, and furnish another motive for appreciating the delicacy of that Government toward our own. Mr. Nelson acted with no less delicacy. He addressed an unofficial note to Mr. Azpiroz, who was then in charge of the ministry of foreign affairs, as its chief clerk, asking the opinion of the Mexican government as to the possibility of submitting to congress at that time the question of authorizing the passage of American troops into Mexico, in pursuit of the Indians. At that time (April, 1871) the executive could not count upon congress, and it is certain that the latter would have refused its approval to any proposal of the kind emanating from the executive.

Mr. Azpiroz replied to Mr. Nelson that, in the opinion of the Mexican government, the occasion was not a proper one to solicit such permission from congress with any well-founded hope of obtaining a prompt and favorable decision.

In this reply Mr. Azpiroz manifested that the Mexican government highly appreciated the delicacy of the American Government, which, in soliciting the said permission, desired to obtain it without wounding the susceptibilities of this country. The question which gave rise to these negotiations deserves all the attention of our government. The United States have a great interest in the pacification of these barbarous tribes; but the latter, when pursued on the American side of the frontier, flee to our border States, where they commit atrocious outrages. These tribes are thus employed in perpetrating depredations alternately upon both frontiers, although their most destructive ravages are those committed within our territory, because our frontier States lack the necessary elements for an active and efficacious pursuit. It is, then, for the interest of both countries to combine their efforts to subdue these barbarous Indians, and our frontier States would derive incalculable advantages from such action.

The policy of the American Government deserves our cordial approval and support: that policy being to locate these Indians upon reservations as the first step toward civilization.

The tribes which have hitherto subsisted by pillage, and have led a wandering life, have often deceitfully pretended to accept this policy, and have gone on committing ravages in both countries. The negotiation, of which we have just made an analysis, shows how different is the present from the former policy of the United States.

On our frontier it was a settled conviction that the savage Indians received aid and encouragement from the American authorities for their depredations upon our soil, and this was doubtless one of the reasons why the Mexican government, in 1848, insisted upon inserting in the treaty of Guadalupe Hidalgo the clause making the American Government responsible for the damages caused by Indian invasions.

Far from this. The American Government now shows a fixed desire to reclaim these tribes from their nomadic condition, for which the most natural means is the employment of force. It would be easy for the American Government to drive all these Indians into our territory, where they would cause immense evils, but instead of this,

it labors to place the Indians beyond the reach of committing depredations in either country. It may, therefore, be readily seen that the realization of the proposals of the American Government, through the co-operation of our own, is for the true interests of the frontier States. The governor of Chihuahua so understood the matter, and therefore advocated a combination of the forces of the two nations. The day when the American policy shall definitely triumph in this matter, and the Indian tribes shall be obliged to abandon their nomadic life, the corner-stone of the prosperity and growth of our frontier States will have been laid.

No. 309.

Mr. Nelson to Mr. Fish.

No. 550.]

LEGATION OF THE UNITED STATES,
Mexico, April 15, 1872. (Received May 1.)

SIR: The general tendency of military events during the first half of the present month has been favorable to the speedy pacification of the republic.

The rebels have been routed in engagements of more or less importance in the State of Sinaloa, Durango, Zacatecas, San Luis, Hidalgo, Puebla, and Vera Cruz. The city of Zacatecas was momentarily occupied by the rebels on the 13th instant, but was again recovered yesterday by the government troops.

It is reported that there has been a counter revolution in the State of Nuevo Leon, that Treviño the initiator of the present revolution, has been deposed from the government of that State, and Don Simon Garza Melo appointed in his stead. The only serious drawback to this favorable aspect of affairs has been the breaking out and sudden triumph of a local revolution in the State of Yucatan.

On the 13th ultimo General Canton, a former imperialist chief, pronounced in Valladolid, and after gaining two victories over the troops of the State government, in which several prominent officers of the latter were killed, Merida was evacuated by Governor Cirerol about the end of March, and he with all his subordinates took passage in the American steamer City of Merida to Vera Cruz.

The general government immediately dispatched an expedition to Campeche, upon two steamers, under command of General Vicente Mariscal, and has since dispatched re-enforcements.

Should the rebels of Yucatan resist, this campaign will be bloody and of uncertain result. The state of affairs in Tabasco is also very unsatisfactory. The rebels there are in small numbers, but have committed fearful outrages. They have twice occupied the port of Frontera, and thus forced our consul, Mr. Nemegeyi, to send his family to the United States for safety.

The new Mexican penal code went into operation on the 1st instant.

The code of procedure is now finished by the committee of lawyers to whom its formation was intrusted, and will shortly be submitted to congress. Mr. Leon Guzman, formerly minister of foreign affairs, and now attorney-general, has been appointed a member of the joint claims commission at Washington, in place of Mr. Gomez Palacios, who resigned that post.

The project for the celebration of an universal exposition in the city of Mexico, in 1874, has been much discussed, and at a meeting of some hundreds of prominent citizens held yesterday the regulations and by-laws of an association to that effect were adopted. The project is coun-

tenanced by the government, and will undoubtedly receive a large subsidy from congress, to which body an appeal has been made.

Congress has done nothing of importance during the two weeks of its session. The President's request for an extension of the term of his "extraordinary faculties" has been much discussed, as also Mr. Romero's new tariff. Both measures will undoubtedly receive a solution favorable to the views of the government, though with some modifications.

I am, &c.,

THOMAS H. NELSON.

No. 310.

Mr. Nelson to Mr. Fish.

No. 557.]

LEGATION OF THE UNITED STATES,
Mexico, April 26, 1872. (Received May 13.)

SIR: Herewith I inclose a copy and translation (A and B) of Mr. Mariscal's reply of the 23d instant to my note of the 18th ultimo, upon the depredations of the Kickapoo Indians.

While Mr. Mariscal does not accede to my solicitude for the passage of American troops into Mexican territory in pursuit of marauding Indians, he nevertheless makes propositions, which may, I hope, facilitate the final settlement of the important subject in hand. He assures me that the government will lend efficient co-operation to the realization of the plan for the removal of the Kickapoos to their reservations in the United States. For this purpose it will direct its local authorities to participate in the conferences with those Indians, and will not allow the authorities, who are accused of having frustrated the attempt of last year, to have any share in the proposed conferences.

In case the Kickapoos freely consent to emigrate, the Mexican government will furnish troops to escort them to a designated place on the frontier; and, lest the agents employed in the unsuccessful attempt of last year may have unfortunately excited prejudices and suspicions in the minds of these Indians, the Mexican government suggests the propriety of other persons being selected for the proposed new attempt.

It appears to me that the proposal of the Mexican government deserves serious attention, and that, if approved, the necessary steps should be taken with as little delay as possible.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

Mr. Mariscal to Mr. Nelson.

DEPARTMENT OF STATE,
Mexico, April 23, 1872.

SIR: I have had the honor to receive your excellency's note of the 18th ultimo respecting the conduct observed by certain tribes of Indians located upon Mexican territory near the frontier of Texas, and I have also received a copy of the inclosed resolution upon Indian depredations, adopted by the legislature of the State of Texas. Your excellency reminds me of the several notes upon this subject which you have addressed to my predecessors in this department, and makes special mention of those

in which you have solicited permission from the government of this republic for the passage of American troops across the frontier, in order to carry out the project of removing these tribes of Indians to their reservations in the United States, and after relating the ill-success of the American agents sent to induce the Kickapoos to emigrate, your excellency suggests that upon the re-occupation of the States of Nuevo Leon and Coahuila, by the forces of the federal government, advantage be taken of the temporary government of those States by martial law to take efficacious and speedy measures for the cessation of Indian outrages; measures which, in your excellency's opinion, would seem to consist in lending aid to the removal of the Kickapoos, to be effected by the employment of American troops in Mexican territory.

The examination of all the antecedents of this question has delayed my reply until the present time, and I now have the honor to communicate to your excellency the views of my government. The decree which authorizes the executive to exercise temporarily certain faculties which he does not ordinarily possess in the department of war, has a manifest limitation in the object which congress proposed to obtain by its passage. The re-establishment of peace and of constitutional order in the rebel States was the motive of that grant, and the President of the republic, to whose consideration I have submitted your excellency's suggestions, after a careful study of the said decree, is of the opinion that it would not be proper to employ the extraordinary faculties with which congress invested him for the solution of the difficulty in question. But the matter may, nevertheless, be arranged by virtue of the presence of federal forces in Nuevo Leon, and without the necessity of the passage of American troops into Mexican territory. The sum total of the facts which your excellency communicates, in compliance with instructions from your Government, and the desires which have been manifested to the government of Mexico, concerning the said Indians, together with the friendliness characteristic of existing relations between the two countries, are sufficient reasons to lead the President of this republic to earnestly desire the speediest solution of this question, and the one most advantageous to all parties concerned. I have therefore the honor to renew to your excellency the assurance which this department has before given, that the government of Mexico will take pleasure in co-operating with that of the United States in the humane object of preventing the depredations which certain tribes of Indians are wont to commit on the Texan frontier, by affording them the means of emigrating from Nuevo Leon and Coahuila to their reservations in the United States. For the realization of this project, it would perhaps be convenient for the Government of the United States to appoint new agents, and to advise the government of Nuevo Leon of the time when, and of the place on the frontier where the said agents will present themselves for their visit to the Indian tribes. The government of Mexico will, in such case, provide that the authorities who represent it in that region take part in the conferences, and if the Indians should freely determine to leave Mexico to settle on their reservations in the United States, the Mexican military forces will escort such Indians to the point on the frontier where the American troops may receive them.

Your excellency will observe that the Mexican government advises that the agents to treat with the Indians be other persons than those who made the former attempt. This suggestion is made in the interest of the success of the negotiation, in order, by such change, to avoid reviving the suspicions and prejudices against those persons, which may exist in the minds of the Indians. The Mexican government, desirous that there may subsist no impediment to the projected arrangement, will provide, as far as possible, that none of the authorities accused (it would seem without satisfactory proofs) of being opposed to the removal of these Indians, have any part in the execution of the plan suggested.

In closing my reply to your excellency's note, I take pleasure in stating that the Mexican government very highly appreciates the prudence and tact which has thus far characterized your excellency in this negotiation, and cherishes the confident hope that it will be concluded in the same spirit of friendship and good understanding.

I am, &c.,

IGNACIO MARISCAL.

No. 311.

Mr. Nelson to Mr. Fish.

No. 558.]

LEGATION OF THE UNITED STATES,
Mexico, April 30, 1872. (Received May 8.)

SIR: In consequence of the region bordering on the Rio Grande being still chiefly in possession of the rebels, I have hitherto refrained

from pressing the Mexican government upon the subject of the robberies of cattle and other depredations committed by parties of armed Mexicans on the Texan frontier. I have, however, submitted the inclosures in your Nos. 229 and 234, unofficially, to the minister of foreign affairs, and, upon the expected speedy re-occupation of that district, I will earnestly urge all proper measures of prevention and redress.

I am, &c.,

THOMAS H. NELSON.

No. 312.

Mr. Nelson to Mr. Fish.

No. 564.]

LEGATION OF THE UNITED STATES,
Mexico, May 1, 1872. (Received May 18.)

SIR: The "extraordinary faculties" conferred upon President Juarez by the law of December 1, 1871, for the term of one month after the next meeting of congress, expired yesterday by limitation.

The subject of the renewal of these powers has been hotly debated in congress for the last fortnight, but, owing to the defection of some of the administration deputies the opposition were yesterday able to break up the quorum.

On the ballot for president of congress for the present month, the administration candidate, Mr. Higinio Nuñez, was elected by but five votes over his competitor, Mr. Isidro Montiel.

The "faculties" will almost certainly be voted soon, but the immediate consequence is that the government is disarmed of its most powerful weapon for the suppression of the rebellion.

Martial law, which had been declared in nine or ten States, necessarily ceases, and several governors who are very hostile to President Juarez will resume their posts.

News was received to-day of the successful termination of the revolution in Yucatan, and of the arrival of General Rocha near Mazatlan.

I am, &c.,

THOMAS H. NELSON.

No. 313.

Mr. Nelson to Mr. Fish.

No. 569.]

LEGATION OF THE UNITED STATES,
Mexico, May 16, 1872. (Received May 31.)

SIR: Your dispatch No. 221, of February 13, 1872, calling my attention to the laws and foreign-office regulations of the Mexican government respecting the matriculation of foreigners in this country, was probably written under some misapprehension in regard to the action of the said government in granting or withholding certificates of citizenship to American residents.

Nevertheless, I submitted the contents of the dispatch to Mr. Mariscal, to avoid a possible misunderstanding on this subject in the future. I have applied to the department of foreign affairs for certificates of

matriculation in behalf of a large number of American citizens residing in different parts of this republic, and in every instance, without exception, the proper certificate has been promptly granted.

In every case within my knowledge the passports issued by the Department of State of the United States have been respected, whether held by native or naturalized citizens, although this course is not in strict conformity with the letter of the Mexican law in regard to the matriculation of foreigners.

If the Mexican government should assume to inquire into the authenticity of certificates issued to naturalized citizens of the United States, and not respect the passports of the State Department issued to such citizens, I will at once address an earnest remonstrance and protest upon the subject to the Mexican minister of foreign affairs. In the meanwhile, I will endeavor to prevail upon the Mexican government to modify its rules of matriculation, so that they may be made to conform to your very just suggestions.

I am, &c.,

THOMAS H. NELSON.

No. 314.

Mr. Nelson to Mr. Fish.

No. 570.]

LEGATION OF THE UNITED STATES,
Mexico, May 17, 1872. (Received May 31.)

SIR: In 1869 the Government of the United States instructed this legation to employ its good office to secure the liberation from prison of the citizen of the Argentine Republic, Colonel Edelmiro Mayer, who served with credit in our war for the suppression of the rebellion, and afterward in the republican army of Mexico. The Mexican government at that time, and subsequently, manifested a willingness to pardon Colonel Mayer for the imputed offense of insurrection, on condition of his leaving the country, and I repeatedly endeavored to obtain from him a promise to accept that condition. He, however, steadily refused to make any such promise, and remained in prison until liberated by the amnesty of October, 1870, without, as he conceived, owing anything to the clemency of President Juarez.

During the present revolution Colonel Mayer joined Porfirio Diaz, and participated in the movement in Oaxaca, where he was made a prisoner in January or February last. He was brought to Puebla in March, and there tried by a military tribunal, which, on the 26th ultimo, sentenced him to death. Previous to his sentence I received messages from him, and visits from his friends in this city, and informally solicited clemency for him through Ministers Mariscal and Romero. On the day following his sentence I received letters and telegrams from him and his friends, and, as he was to be executed on Sunday, the 28th ultimo, I lost no time in again employing my unofficial good offices in his behalf, through the appropriate channels, and also by writing a confidential letter to President Juarez, in which I offered to guarantee the future good conduct of Mayer. The President immediately suspended the execution until he could examine the record of the trial, and the result has been the commutation of the penalty into ten years' imprisonment.

I have little doubt that, within a few months, the Mexican govern-

ment will consent to Colonel Mayer's return to his own country. Please communicate the contents of this dispatch to the minister of the Argentine Republic in Washington.

I am, &c.,

THOMAS H. NELSON.

No. 315.

Mr. Nelson to Mr. Fish.

No. 571.]

LEGATION OF THE UNITED STATES,
Mexico, May 17, 1872. (Received May 31.)

SIR: The principal military events of the past fortnight have been the occupation of Mazatlan by General Rocha, on the 5th instant, and the repulse of Treviño from Matamoras by General Ceballos. Rocha continued his march on the 7th instant against Culiacan, the capital of the State of Sinaloa. Generals Corella and Carrillo started on the 7th instant from San Luis Potosi against Monterey and Saltillo.

The news from Tabasco is favorable. Several battles have taken place lately in Jalisco, in some of which the rebels appear to have gained some slight advantages.

The anniversaries of the Mexican victory at Puebla on the 5th of May, 1862, and the capture of Queretaro on the 15th of May, 1867, were appropriately celebrated by the national and local authorities. Telegraphic lines have been recently opened from this city to Chilpanzingo, the capital of the State of Guerrero, and from Tepic to San Blas.

The Count of Enzenberg, minister from the German Empire, was received by President Juarez on the 6th instant.

Congress has continued to discuss the prolongation of the "ample faculties," the estimates, and the new tariff of Minister Romero, without having come to any resolution thereupon.

The opposition deputies have put forth all their strength in resisting the "faculties," and when they were on the point of being voted, on the 14th instant, they left the chamber *en masse*, thus breaking up the quorum. By the repetition of such tactics they may possibly prevent the passage of this law, but in that case an extra session will, doubtless, be convoked.

Mr. Romero has made several brilliant speeches in support of his proposed tariff, and the proper committee has reported in its favor with but two unessential modifications.

I am, &c.,

THOMAS H. NELSON.

No. 316.

Mr. Fish to Mr. Nelson.

No. 249.]

DEPARTMENT OF STATE,
Washington, May 22, 1872.

SIR: I transmit herewith a copy of the correspondence between this Department and Mr. Thomas F. Wilson, consul of the United States at

Matamoras, in relation to the eighth article of the proclamation of General Palacio, under date of the 8th ultimo, which provides for the exercise of surveillance upon vessels navigating the Bravo Rio Grande.

You will be pleased to read to the minister for foreign affairs of Mexico the instruction addressed on the 17th instant (No. 54) by this Department to Mr. Wilson.

I am, &c.,

HAMILTON FISH.

[Inclosure 1.]

Mr. Wilson to Mr. Hunter.

No. 85.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, April 7, 1872. (Received April 24.)

SIR: Referring to my dispatch No. 74, under date of the 10th February last, in which I informed the Department that General Queroga had occupied Camargo with a force of about one thousand revolutionists, I have now to state that a telegram was received to-day by General Palacios, commander of this city, from Reynosa, sixty miles distant, informing him that the enemy were a few miles from that place, apparently intending to advance on Matamoras.

From all I can learn General Treviño, governor of the State of Nuevo Leon, who inaugurated the revolution on this side of the Sierra Madra, has united his forces with those of General Queroga, and their united forces, amounting to about two thousand men, principally infantry, with several pieces of artillery, are marching on this city.

General Palacios has proclaimed martial law here, closed the gateways of the fortifications leading to the country, interdicted persons leaving the city by ferry to Brownsville without passes, and is now arming and organizing the national guard for defense. The regular force under General Palacios consists of about three hundred tolerably well-drilled and well-armed men. In addition he expects to arm about one thousand national guards for fortification duty.

The defenses of the city are strong, and unless the troops inside should revolt a vigorous resistance can be made.

As soon as the revolutionists appear before the city I will personally remain here constantly during the siege, leaving my family in Brownsville, as reported in dispatch No. 83, of the 5th instant.

I am, &c.,

THOMAS F. WILSON.

[Inclosure 2.]

Mr. Wilson to Mr. Hunter.

No. 86.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, April 10, 1872. (Received April 25.)

SIR: Referring to my dispatch No. 85, under date of the 17th instant, in which I informed the Department that this city had been declared in a state of siege, I have now to transmit a copy of a letter addressed to me by General Palacios under date of the 8th instant, inclosing his proclamation of the state of siege, &c. As the eighth article of this proclamation appeared to admit of two interpretations and was bitterly assailed by the newspapers and people in Brownsville, Texas, as a violation of the treaty stipulations, which guarantee the free navigation of the Rio Grande, I addressed a letter to General Palacios on the 9th instant, a copy of which is herewith inclosed, asking for the true meaning of the article in question. To-day I received a reply, a copy of which is herewith inclosed, from which it will be seen that the general claims the right under military necessity of ordering a police visit of suspected vessels ascending or descending the Rio Grande for a distance of twelve miles above and below the city. In the absence of treaty stipulations as to the police scrutiny of the river by either of the nations of which it forms the boundary, I do not see any impropriety in General Palacios's exercising the power which he proposes in the eighth article of the proclamation, as explained in his letter of the 10th instant. Otherwise the whole front of the city lying on the river would be exposed to the raids of the revolutionists by water. It would seem that both nations have the right whenever they may think necessary to exercise a police scrutiny over the river, in a manner as little calculated to inconvenience legitimate commerce as possible.

I do not understand that it is intended to extend this police vigilance farther than to ascertain the nationality and destination of a vessel, except where the visit develops some fact which would justify a fair presumption of the vessel being engaged in a contraband trade, when an inquiry could be made to ascertain the true character of the voyage.

In addition to the actual military necessity which exists to justify these police visits, the revolutionists recently allowed a vessel, which had cleared from Brownsville with a cargo of bonded goods, to enter their lines and discharge its cargo.

The government of President Juarez could not collect the duties on these goods, and the revolutionists were thereby strengthened by availing themselves of these duties.

It is probable that one of the objects of the eighth article of the proclamation of General Palacios is to prevent vessels clearing from Brownsville for a Mexican port to ascend the Rio Grande with a cargo intended to be introduced into the rebel lines.

As there is a strong disposition on the Texas side to dispute General Palacios' right to order a police visit of vessels plying on the Rio Grande, within the prescribed limits, and threats have even been made to resist such visits should they be attempted on American vessels. I have deemed it prudent to advise the Department of the facts, and ask for such instructions as the circumstances may warrant.

I am, &c.,

THOMAS F. WILSON.

Mr. Palacios to Mr. Wilson.

[Translation.]

Garrison of the line of the Bravo general-in-chief:

For your information, so far as it may concern the interests of the nation which you represent in Mexico, I have the honor herewith to send you a military order which has this day been published in this town.

I renew to you the assurances of my consideration.

Independence and liberty.

H. MATAMORAS, April 8, 1872.

MG. PALACIOS.

The citizen CONSUL OF THE UNITED STATES

Of America at Matamoras.—Present.

[Translation.]

I, the Citizen-General Mignel Palacios, military commandant of the town of Matamoras, announce to its inhabitants:

That a state of war existing, as regards matters purely military, according to an express provision of the general constitution of the republic, and the town under my command being threatened by revolutionary troops, therefore, in the exercise of the powers granted to me by the general orders of the army, I order as follows:

ARTICLE 1. The town of Matamoras, throughout the radius of its military operations, is declared to be in a state of siege.

ARTICLE 2. All Mexicans residing in the town shall be subject to military service, and the home-guard shall go into active service at once, those excused from service by imperative causes, mentioned in the law, alone being exempted.

ARTICLE 3. No person shall be allowed to leave the town after the publication of this order without a pass signed by the commandant or some person delegated by him for that purpose.

ARTICLE 4. No person shall be allowed to enter the town without bringing a pass from the officers deputed to guard the roads, the crossing-places of the Bravo, (Rio Grande,) or usual entrances. Such passes will be granted by said officers in the cases provided for by the special orders which they may receive from the commandant in relation to the matter.

ARTICLE 5. Persons violating the provisions of article 2 shall at once become subject to the penalties of the law concerning the national guard, and, should these not be sufficient, they shall be subjected to the penalties of the military law.

ARTICLE 6. Persons violating articles 3 and 4 shall be considered as spies of the enemy, and if they shall not speedily adduce some weighty reason for the violation of said articles they shall be tried according to military law.

ARTICLE 7. All public meetings or demonstrations, or private acts designed to create disaffection among the citizens toward the defense of the town, is forbidden. Persons violating this article shall be considered as conspirators, and shall be punished accord-

ing to military law, if Mexicans or foreigners without a flag recognized in Mexico, and according to the civil law, if foreigners having a flag recognized in Mexico.

The approach to the town of any war or merchant vessel, large or small, Mexican or foreign, going either up or down the Bravo, is prohibited within a visual radius of four leagues, measured from the perimeter of the fortification adjoining the Bravo at both extremes, except by a special permit from the commandant of Matamoras, given with previous knowledge of some agent or officer of the foreign nation concerned.

The removal and sale of arms, munitions, or any war material to private persons is prohibited in the town, under the penalties provided in article 7.

ARTICLE 10. The Citizen-General Lazaro Garza Ayala is appointed to act for the time being as second in command of the town and its military radius.

And to secure punctual and exact obedience to the foregoing, I order that it be published as an order in this town, and that information thereof be given to whomsoever it may concern.

MIGUEL PALACIOS.

H. MATAMORAS, April 8, 1872.

Mr. Wilson to General Palacios.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, April 9, 1872.

SIR: I have the honor to acknowledge the receipt of your communication dated yesterday—delivered to me in the afternoon—inclosing a military proclamation issued by your declaring this city in a state of siege, and prescribing the rules and regulations to be observed by those residing in leaving, or entering, the city. The eighth article of these regulations appears to prohibit vessels of all classes and nationalities from approaching nearer than four leagues of this city without a special permit from the commandant of the city, &c. I have to inquire whether it is intended in this article to require all vessels navigating the Rio Grande to first procure this special permit on approaching within the prescribed distance, or is it only meant to apply to vessels actually destined to the city of Matamoras.

As the article seemingly admits of either interpretation, and is therefore liable to be misunderstood, I have to respectfully request you to inform me of the real intention of the article in question at your earliest convenience.

With the assurance of my high regard and esteem, I am, &c.,

THOMAS F. WILSON.

[Inclosure 3.]

Mr. Fish to Mr. Wilson.

No. 54.]

DEPARTMENT OF STATE,
Washington, May 17, 1872.

SIR: Your dispatches numbers 85 and 86, dated, respectively, the 7th and 10th ultimo, have been received. In these dispatches you inform the Department that General Palacios, then in command of the military forces of the republic of Mexico, stationed at the city of Matamoras, had, on the 8th of that month, issued a proclamation, the eighth article of which provides that "the approach to the place of any vessel is prohibited, be it a war or merchant vessel, large or small, Mexican or foreign, either ascending or descending the Bravo (Rio Grande) within a visual radius of four leagues, measured from the perimeter of the fortification adjacent to the Bravo, at both extremes, unless a special permit shall have been previously given by this office, (comandancia), with previous knowledge of some agent or officer of the nation concerned." In the same connection you have forwarded copy of a note of General Palacios to you, in reply to a communication which you had previously addressed to him asking for an explanation of his proclamation, and especially of the eighth article.

In his note to you, General Palacios says, "that the prohibition contained in this article is a precautionary military measure, which will only be enforced when the enemy presents himself at the port of the place, and that not the least intention exists to molest American commerce; that by reason of the necessity of a just and legitimate defense, the article in question embraces American vessels; that the spirit of the article is to exercise surveillance, within the radius therein mentioned, over all vessels, if there is good reason to suspect their hostility to the place visited; that if a search shall show all suspicion to have been unfounded the vessel shall be allowed to proceed, and if it shall appear that the suspicion was well-founded, she shall not be allowed to enter the prohibited port; and that, according to the character of the objects found on board, information will be sent to the agent or officer representing the nation to which

such vessel belongs of the permit granted or refused, before or after the departure of such vessel."

While accepting the statements of General Palacios's note, as to the true intent and meaning of the proclamation, and also in relation to the friendly disposition of the Mexican government toward the vessels and commerce of the United States, it is nevertheless clear that the eighth article of the proclamation of General Palacios is in contravention of the provisions of the treaty of February, 1848, between the United States and Mexico. The river Bravo, or Rio Grande, is a common boundary between the United States and Mexico; it is a navigable river, and, according to universally accepted principles of public law, must be recognized as a common highway for the commerce of both nations. The seventh article of the treaty of February, 1848, recognizing the principle just stated, provides that "the navigation of the Gila and of the Rio Bravo, below said boundary, (southern boundary of New Mexico,) shall be free and common to the vessels and citizens of both countries, and neither shall without the consent of the other construct any work that may impede in whole or in part the exercise of this right."

Vessels of the United States navigating the Rio Grande, whether ascending or descending, are liable to be subjected to the surveillance of the proposed regulations, and this regardless of the fact of whether such vessels are destined to or intending to touch at any port on the Mexican side of the river. That the exercise of such surveillance upon vessels belonging to the United States, by the authorities of Mexico, would be an impediment to the exercise of the right of the free navigation of the river by such vessels, it needs no argument to maintain. The government of Mexico may prohibit vessels navigating the Rio Grande from entering the ports or landing on the shore of the river, within the territory of that republic, or it may attach such conditions to the entering or landing of such vessels within the territories of Mexico as circumstances shall in the judgment of that government demand, but such regulations cannot properly be extended so as in any manner to impede the exercise of the right of free navigation of the river by vessels belonging to the United States. The correctness of this view of the force of the article in question must be, it is believed, at once apparent to General Palacios.

You will, therefore, on receipt of this instruction, avail yourself of the earliest opportunity to bring the matter to the attention of General Palacios, and assure him that this Department will learn with satisfaction that the regulations and surveillance proposed by the eighth article of his proclamation is no longer sought to be enforced against vessels belonging to the United States navigating the river Rio Grande.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 317.

Mr. Nelson to Mr. Fish.

No. 575.]

LEGATION OF THE UNITED STATES,
Mexico, May 30, 1872. (Received June 15.)

SIR: The military situation continues to be favorable to the government. Generals Rocha and Pesqueira have dislodged the rebels from Sinaloa; General Ceballos has driven them from the line of the Rio Grande; and General Corella, after occupying Saltillo on the 25th instant, is rapidly marching upon Monterey.

A new political *plan*, signed by Porfirio Diaz, and dated at Ameca, (Jalisco,) on the 3d of April, has appeared, but its authenticity is still a matter of doubt; the government organ maintaining that Diaz has not even been in Jalisco. It is, in substance, the same as the famous "Plan of the Noria," except that Mr. Lerdo de Tejada, as president of the supreme court, is called to the Presidency.

The States of Sinaloa and Coahuila have been declared to be under martial law, with Generals Rubi and Cepeda as their respective governors.

Congress has not yet disposed of the important questions pending before it. The new tariff of Mr. Romero has been approved in its essential principles, though with considerable modifications. The chief

measures lately passed consist of the extension of the "ample faculties," and of the law against kidnapping; an extension of time to the Tehuantepec Company, and to the Toluca Railroad, and a subsidy to an American company for a line of coasting steamers in the Gulf of Mexico.

I am, &c.,

THOMAS H. NELSON.

No. 318.

Mr. Fish to Mr. Nelson.

No. 252.]

DEPARTMENT OF STATE,
Washington, June 3, 1872.

SIR: Your dispatch, No. 569, of the 16th ultimo, concerning passports and certificates of matriculation in behalf of American citizens, has been received. Your action, as therein reported, in regard to the matter is approved.

Your dispatches numbered 570 and 571 have also been received.

I am, &c.,

HAMILTON FISH.

No. 319.

Mr. Nelson to Mr. Fish.

No. 578.]

LEGATION OF THE UNITED STATES,
Mexico, June 5, 1872. (Received June 28.)

SIR: Herewith I transmit a copy and translation (A and B) of the law passed by the Mexican congress on the 31st ultimo, fixing the estimates of receipts and expenditures for the coming fiscal year, and also approving the tariff decreed by Minister Romero on the 1st of January last. Three modifications only were made in the tariff, namely: To permit the collection of excise taxes by States; to fix the exportation duty on bullion at five per cent., and to deduct in compensation thereof ten per cent. from the tariff.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.—Translation.]

LAW OF THE TARIFF AND THE ESTIMATES.

The Congress of the Union enacts:

During the fiscal year of 1872-'73, the present estimates of receipts and expenditures and the financial laws lately issued (by the Executive) shall be in force, with the following modifications:

I. Articles 19 and 83 of the tariff of January 1, 1872, are repealed, and an excise tax amounting to 6 per cent. on the import duties shall continue to be collected in the federal district and the territory of Lower California, and divided between the federation and the respective municipal authorities, in the proportion now observed.

II. Silver bullion and coin shall pay an export duty of 5 per cent. on its value, and gold a duty of one-half per cent., leaving intact the duties of assay, separation, and

coinage levied upon bullion by the law of December 24, 1871, and in compensation 10 per cent. shall be deducted from the import duties established in the said tariff.

III. The quotas of deduction fixed by article 16 of the law of December 30, 1870, are modified as follows: For estates of the first class, 6 per cent.; for the second class, 15 per cent.; and for the third class, 25 per cent.

IV. The tolls collected in the federal district shall be modified by the Executive in accordance with the following basis:

1st. The only duty shall be 12 per cent. upon the appraised value, or the estimated market value of the effects.

2d. Bullion, and all articles which by the tariff in force previous to the 1st of March last were exempt from toll, shall be free from all duties, except the municipal tax, which they paid before. The same exemption shall apply to all articles brought by hand whose value shall not exceed \$2.

3d. Liquors shall continue to pay the imposts fixed by the tariff of March 1, 1872.

4th. The division and subdivision of the articles shall be regulated with the utmost clearness, in order to prevent any arbitrary decision in the collection of toll.

5th. At the end of each fiscal year, the appraisal of values of all articles mentioned in the tariff shall be revised by the Executive, in order that the tolls may be annually in absolute harmony with the current prices in this market.

Hall of Sessions of the Congress of the Union, Mexico, May 31, 1872.

JOSÉ H. NÚÑEZ,

Deputy President.

JOSÉ PATRICIO NICOLL,

Deputy Secretary.

JOSÉ FERNÁNDEZ,

Deputy Secretary.

Wherefore, I order the above law to be printed, published, circulated, and duly obeyed.

Palace of the National Government in Mexico, May 31, 1872.

BENITO JUAREZ.

No. 320.

Mr. Nelson to Mr. Fish.

[Extract.]

No. 581.]

LEGATION OF THE UNITED STATES,
Mexico, June 6, 1872. (Received June 28.)

SIR: I have the honor to inclose herewith a copy and translation (A and B) of a prolongation of the Tehuantepec Railway and Canal concession, extending its time for three years longer, which was granted to the Tehuantepec company by the Mexican congress on the 22d of May last.

* * * * *

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

The Citizen President of the republic has been pleased to address me the following decree:

Benito Juarez, constitutional President of the United States of Mexico, to the inhabitants thereof: Know ye—

That the Congress of the Union has decreed as follows:

The concessions granted on the 2d of January, 1869, and the 14th of December, 1871 the former for the construction and management of a railroad, and the latter for the construction of a canal, navigable from ocean to ocean, across the Isthmus of Tehuantepec, are hereby renewed.

The periods of time mentioned in the former shall be counted from the 2d of January of the present year.

Hall of Sessions of the Congress of the Union, Mexico, May 22, 1872.

JOSÉ H. NÚÑEZ,

Deputy President.

JOSÉ FERNÁNDEZ,

Deputy Secretary.

ENRIQUE MARIA RUBIO,

Deputy Secretary.

Therefore, I order the above to be printed, published, circulated, and duly obeyed.
Palace of the Federal Government of Mexico, May 22, 1872.

BENITO JUAREZ.

The Citizen BLAS BALCÁRCCEL,

Minister of Public Works, Colonization, Industry, and Commerce.

And I communicate it to you for your information and consequent action.

Mexico, May 22, 1872.

BALCÁRCCEL.

No. 321.

Mr. Nelson to Mr. Fish.

No. 582.]

LEGATION OF THE UNITED STATES,
Mexico, June 7, 1872. (Received June 28.)

SIR: The only military events I have to record since my last general dispatch are the capture of Monterey, on the 31st ultimo, and the defeat of the rebel generals Guerra and Marquez, near the city of Durango, about the same date. Both events are as yet known only by brief telegraphic dispatches, but it seems that the capture of Monterey was preceded by a hard-fought battle, in which a portion of the army of General Corella was routed, and that nothing is certainly known of the whereabouts of that general.

I am, &c.,

THOMAS H. NELSON.

No. 322.

Mr. Nelson to Mr. Fish.

No. 583.]

LEGATION OF THE UNITED STATES,
Mexico, June 15, 1872. (Received June 28.)

SIR: On the 8th instant Ministers Mariscal, Romero, and Castillo Velasco presented their resignations, and on the 10th retired from the cabinet of President Juarez. Their successors are Mr. José Maria Lafragua, as minister of foreign affairs, Mr. Francisco Mejia, as minister of finance, and Mr. Francisco Gomez del Palacio, as minister of the interior. At the same time, the ministry of justice, which has been vacant for a year, was filled by the appointment of Mr. Joaquin Ruiz.

Mr. Lafragua, the head of the new ministry, is an eminent lawyer, who has more than once occupied a place in Mexican cabinets. He was lately a justice of the supreme court, and is the principal author of the civil and penal codes recently promulgated. He is, besides, distinguished for his literary attainments, and his profound knowledge of Mexican history.

Mr. Joaquin Ruiz is also a distinguished lawyer, and has before filled with prestige the post he is now to occupy.

Mr. Francisco Mejia was chairman of the committee on finance in the present Congress. He has had a long experience in financial posts and is well versed in the routine of his new office.

Of Mr. Gomez del Palacio it is unnecessary for me to say anything, as he is well known to the Department of State at Washington, where he now resides. His talents and integrity are recognized by all parties.

General Mejia and Mr. Blas Balcárcel remain in charge of the portfolios of war and public works.

I herewith inclose a copy and translation (A and B) of Mr. Lafragua's note to me announcing his acceptance of the post of minister of foreign affairs, and my reply to the same, (C,) both dated the 13th instant.

I am, &c.,

THOMAS H. NELSON.

[Inclosure 1.—Translation.]

Mr. Lafragua to Mr. Nelson.

DEPARTMENT OF FOREIGN AFFAIRS,

Mexico, June 13, 1872.

SIR: The President of the republic has been pleased to appoint the undersigned to the post of secretary of state and foreign affairs, and the undersigned has to-day taken possession of his office.

On the occasion of communicating this measure of the President of the republic to his excellency the envoy extraordinary and minister plenipotentiary of the United States of America, the undersigned has the honor to state that, cherishing the same sentiments which animate the government of Mexico, in favor of the nations friendly to the republic, and which were held by his enlightened predecessors, he is disposed to maintain that spirit of mutual good will and cordial friendship which happily exists between the United States of Mexico and the United States of America.

Upon this occasion the undersigned, secretary of state and foreign affairs, hastens to offer to his excellency Mr. Thomas H. Nelson, envoy extraordinary and minister plenipotentiary of the United States of America, the assurance of the very distinguished consideration with which he has the honor to be his excellency's very obedient servant.

J. M. LAFRAGUA.

[Inclosure C.]

Mr. Nelson to Mr. Lafragua.

LEGATION OF THE UNITED STATES,

Mexico, June 13, 1872.

SIR: I have had the honor to receive your excellency's note of to-day, by which I am informed that the President of the republic has been pleased to appoint your excellency to the post of minister of foreign affairs. Your excellency manifests, in respect to nations friendly to Mexico, sentiments in accordance with those which animate your excellency's government, and assures me of a disposition to maintain that spirit of mutual good-will and cordial friendship which happily exists between our respective countries.

Fully reciprocating your excellency's sentiments in this respect, I take pleasure in tendering my congratulations upon your acceptance of the high post which your excellency is so well qualified to fill. I cherish the confident hope that my official relations with your excellency will be of the same satisfactory character as they fortunately were with your excellency's distinguished predecessors.

I avail myself of this opportunity to assure your excellency of the very high consideration with which I have the honor to be your excellency's obedient servant,

THOMAS H. NELSON.

No. 323.

Mr. Nelson to Mr. Fish.

No. 584.]

LEGATION OF THE UNITED STATES,
Mexico, June 15, 1872. (Received June 28.)

SIR: The capture of Monterey by the government troops, which I announced in a recent dispatch, proved but a momentary triumph, and that city was evacuated two days later, as a consequence of the defeat and dispersion of the main army under Generals Corella, Carrillo, and Zepeda.

This reverse, at a moment when the government seemed about to crush out the last remains of the insurrection, is as unfortunate as unexpected, and will cause a delay of several months in the restoration of peace. It is not easy to replace the forces lost in the action of Monterey, as the garrisons left in the capitals of the interior are very small.

General Rocha marched from Durango against Monterey on the 7th instant, but the distance is so great that considerable time must elapse before this expedition can produce its results.

I am, &c.,

THOMAS H. NELSON.

No. 324.

Mr. Nelson to Mr. Fish.

No. 585.]

LEGATION OF THE UNITED STATES,
Mexico, June 25, 1872. (Received July 13.)

SIR: On the occasion of the retirement of Mr. Romero from the ministry of finance, I thought it due to the valuable services he has rendered this legation to address him a complimentary note, a copy of which is herewith inclosed, (A,) together with that gentleman's reply to the same, (B.)

I am, &c.,

THOMAS H. NELSON.

[Inclosure A.]

Mr. Nelson to Mr. Romero.

MEXICO, June 14, 1872.

MY DEAR MR. ROMERO: After the intimate and cordial relations I have had the pleasure to maintain with you for more than three years, it may appear superfluous on my part to say anything more than I have repeatedly expressed, in acknowledgment of your constant kindness, manifested in innumerable and valued services, both personal and official.

I cannot, however, in justice to my own feelings, omit to avail myself of the occasion of your retirement from the high office you have filled with such eminent ability, to assure you of my conviction that, if my humble efforts for the maintenance of unvarying friendship between our respective countries have been attended with any measure of success, it is to you that I am chiefly indebted for the attainment of that cherished aim.

No one can appreciate better than myself the immense labor and responsibility to which you have cheerfully subjected yourself in the discharge of your official duties; and I am confident that your administration of the Mexican finance department has

formed an epoch which will be gratefully commemorated by the historians and patriots of this republic.

I regret, exceedingly, that your health, debilitated by incessant devotion to your country's interests, should compel your separation from your post; and I earnestly desire that frequent occasions may still be afforded me to manifest the very high consideration with which I shall ever remain your sincere friend and obedient servant,

THOMAS H. NELSON.

[Inclosure B.]

Mr. Romero to Mr. Nelson.

MEXICO, June 15, 1872.

MY DEAR MR. NELSON: I thank you very much and very sincerely for your kind note of yesterday's date. I retire from the cabinet with a most pleasant recollection of my association with yourself during a period of more than three years. I really wish, for the welfare of Mexico, for the maintenance of friendly relations between our two countries, and for the promotion of the well-understood interest of both, that the United States should be always represented in Mexico by gentlemen of your high attainments, your distinguished talents, and your friendly disposition toward a sister republic. I can assure you that all the members of the last cabinet fully appreciate your merit and the enlightened manner in which you have discharged your official duties in this capital.

I am, very sincerely, your true friend and obedient servant,

M. ROMERO.

No. 325.

Mr. Nelson to Mr. Fish.

No. 590.]

LEGATION OF THE UNITED STATES,
Mexico, July 1, 1872. (Received July 19.)

SIR: No important change in the military situation has taken place since my last general dispatch. General Rocha has not yet arrived at Saltillo, and the rebels occupy the same positions as at the beginning of last month.

New lines of telegraph have been opened between Guadalajara and San Blas, *via* Tepic, and between Merida and Campeche.

Great insecurity to life and property prevails in all parts of the republic. The fearful crime of kidnapping is becoming increasingly frequent, and the latest instance has caused great alarm in this city. Four days ago a wealthy Mexican was kidnaped in one of the central streets of this city. His captors demanded \$100,000 for his release, under threat of murdering him, and no effectual step has yet been taken to detect the criminals.

Mr. Joaquin Ruiz has declined the ministry of justice, and no new appointment has been made.

I am, &c.,

THOMAS H. NELSON.

No. 326.

Mr. Hale to Mr. Nelson.

No. 265.]

DEPARTMENT OF STATE,
Washington, July 8, 1872.

SIR: I transmit a copy of a letter of the 2d instant, addressed to this Department by the Secretary of the Interior, and of the one to him

from the Commissioner of Indian Affairs, to which it refers. These have been occasioned by your dispatch 557, of the 26th of April last, relative to the removal of Kickapoo Indians from Mexico to their reservation in the United States.

I am, &c.,

CHARLES HALE,
Acting Secretary.

Mr. Delano to Mr. Fish.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 2, 1872. (Received July 3, 1872.)

SIR: I have the honor to transmit herewith, for your information, a copy of a communication from the Commissioner of Indian Affairs, dated the 15th ultimo, in relation to the removal of certain Kickapoo Indians from Mexico to the United States, which was the subject of your letter of the 16th May, inclosing to this Department dispatch No. 557, from the United States minister to Mexico, and in which you requested an expression of opinion in regard to the measures proposed for effecting the removal referred to.

Concerning this subject I will state that the views expressed by the Commissioner are fully sustained by the Department; that it is desired that these Indians return to the United States, and another effort will be made to effect this object, at an early day, of which action you will be duly advised.

The dispatch, as requested, is herewith returned.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Mr. Walker to Mr. Delano.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, D. C., June 15, 1872.

SIR: I have the honor to acknowledge the receipt, by reference from the Department of a communication from the honorable Secretary of State, of date the 16th ultimo, inclosing a dispatch of 26th April last from Mr. Thomas H. Nelson, minister of the United States to Mexico, covering a copy and translation of a note from the minister of foreign affairs of that republic in relation to the removal of certain Kickapoo Indians to the United States.

In compliance with your instruction for an expression of the views of this Office thereon, I have the honor to state that I deem it desirable that the Indians in question should return to the United States.

Another attempt will, with the sanction of the Department, be made to effect such return at an early date, of which the honorable Secretary of State will be duly advised. With reference to the suggestions of the honorable minister of foreign affairs of Mexico, that at the next effort to effect the removal of these Indians another agent than the one formerly employed be sent by the Government, I will add that the United States Indian agent for the Kickapoos in Kansas, who was sent on the previous mission referred to in the dispatch which forms the subject of this report, is deemed to be an eminently proper person to represent the United States in the matter. The papers are respectfully returned herewith.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

No. 327.

Mr. Nelson to Mr. Fish.

No. 594.]

LEGATION OF THE UNITED STATES,
Mexico, July 15, 1872. (Received July 31.)

SIR: General Rocha arrived with his army at Saltillo on the 5th, and continued his march against Monterey on the 8th instant, aided by the

forces of General Revueltas. At the same time General Ceballos advanced upon Monterey from the Rio Grande, so that the three forces should have been in front of that city on the 10th instant. It is not likely that they have met with serious resistance, as General Treviño, with most of his troops, has retreated toward Piedras Negras, on the Rio Grande. It is also known that the insurgents have sent commissioners to President Juárez to solicit terms upon which to make their submission.

On the 1st instant the city of San Luis Potosi was attacked by Pedro Martinez at the head of a few hundreds of cavalry. He was easily repulsed, and most of his force destroyed.

In Jalisco the news is extremely favorable. The scattered bands under Galvan, Lomeli, Labastida, and others, have been beaten in detail, and the leaders forced to abandon that State. In Colima an attack upon the capital has been repulsed. Comparative tranquillity exists in most of the republic, and it may at last be confidently announced that the revolution is practically at an end.

I am, &c.,

THOMAS H. NELSON.

No. 328.

Mr. Nelson to Mr. Fish.

[No. 595.]

LEGATION OF THE UNITED STATES,
Mexico, July 16, 1872. (Received July 31.)

SIR: The crime of kidnaping wealthy persons, and maltreating them until the payment of a heavy ransom by their relatives, was introduced into Mexico during the civil wars, some fifteen years ago, and gradually assumed such proportions as to render it unsafe for proprietors to reside upon their estates, even in the immediate vicinity of the large cities. The complete extirpation of this vast evil was the object of a rigorous act of Congress, three years since, which instituted a summary trial and immediate execution of the malefactors guilty of this crime, which in Mexico has received the singular name of plagiarism, (*plagio*.) This law, which involved the suspension of some of the constitutional guarantees, was intended to last but for a single year, but it has been found necessary to renew it for two further terms, giving rise on each occasion to heated debates in Congress, and to bitter attacks upon the Government for alleged abuses of the law for the persecution of political enemies.

Nevertheless, during the disturbances of the past year kidnaping has increased to such an extent as to form the most marked, as it certainly is the most repulsive, characteristic of the present time. It is alleged that organizations exist in this city for the direction of kidnaping, under the names of "Sociedad Terrible" and "Italia Roja."

This crime reached its culminating point in June, when not a day passed without the newspapers being filled with fresh instances of kidnaping and of the horrible atrocities perpetrated by the bandits upon their victims. The alleged indolence of the government, and its incapacity to provide a remedy for the evil, became the daily theme of the opposition press.

On the night of the 27th ultimo Mr. Juan Cervantes, a wealthy gentleman belonging to the old Mexican nobility, dating back to the conquerors and the earlier viceroys, was kidnaped in one of the central

streets of the city, on his return from the theater. The enormous sum of \$100,000 demanded as his ransom, the distinguished social position of the victim, and the fact that this was the first prominent instance of kidnaping within the walls of Mexico, created an intense excitement, making this event almost the exclusive topic of public interest for many days. The efforts of the city and national governments to discover the criminals were tireless and far-reaching, and after six days of painful suspense they were crowned with complete success. The victim was found literally buried alive in one of the suburbs, and the principal criminals, who were seized *in flagrante delicto*, were shot the same afternoon, (the 4th of July,) near the scene of their crime, and in the presence of tens of thousands of spectators. Others of the malefactors have since been apprehended, and some of them sentenced to death. The leader of the band, after an active pursuit for many days, was overtaken some thirty miles in the interior, and being wounded in the affray, he committed suicide. His corpse was brought to this city and exposed to public view.

Large numbers of persons of notoriously evil fame have been arrested upon suspicion, and are to be expelled from the republic. The energy displayed by Mr. Tiburcio Montiel, the governor of the federal district, has won the applause even of his enemies.

I am, &c.,

THOMAS H. NELSON.

No. 329.

Mr. Nelson to Mr. Fish.

No. 597.] .

LEGATION OF THE UNITED STATES,

Mexico, July 16, 1872. (Received July 31.)

SIR: By letters from Mr. J. Ulrich, our consul at Monterey, I have been informed that the leaders of the insurrection in the Northern States, Generals Treviño and Quiroga, had become convinced of the impossibility of their success, and were desirous of making their submission to President Juarez upon honorable terms. After the battle near Monterey, gained by those generals, they secretly dispatched to Mexico a commission consisting of Messrs. Ignacio Galindo, Gregorio Zambrano, and Deputy Villareal, to propose terms of submission.

The two former of these gentlemen brought to me letters of introduction from Consul Ulrich, commending them as pacific and influential citizens, and strongly vouching, upon personal knowledge, for the good faith of Treviño and Quiroga. He also presented many weighty reasons why these leaders should be regarded with more favor than the professional revolutionists who abound in other parts of the republic.

Messrs. Galindo and Zambrano had repeated conferences with me, and impressed me very favorably. Their principal proposal was that the insurgent leaders above mentioned would make their submission, surrender their arms, renounce their official posts, and retire to private life upon a guarantee against any trial or other molestation in consequence of the part taken by them in the revolution.

I thought it my duty to lend my unofficial good offices to these gentlemen, not to make any recommendations upon the subject to the Mexican government, but to aid them in the presentation of their own views, and, incidentally, to communicate some important *data* derived from Consul Ulrich.

I had two long and cordial interviews on the subject with Mr. Lafragua, who verbally laid their substance before the President. The decision reached by the government, and communicated to the commissioners, is that the only guarantee which can be accorded to the insurgent leaders upon their submission is an exemption from trial by martial law, and that they must reside in the places designated by the President and be responsible before the civil tribunals for all damage to private property committed by them during their rebellion.

President Juarez conveyed to me, through Mr. Lafragua, his warm thanks for the interest I had taken in promoting the restoration of peace in this republic.

I am, &c.,

THOMAS H. NELSON.

No. 330.

Mr. Nelson to Mr. Fish.

No. 599.]

LEGATION OF THE UNITED STATES,
Mexico, July 24, 1872. (Received August 14.)

SIR: At daybreak on the morning of the 19th instant the inhabitants of this capital were startled by the roar of artillery, followed by a gun each quarter of an hour, which indicated the death of the head of the government. The news was quickly circulated that President Benito Juarez had died during the night. No intimation of his illness had prepared the public for this calamity, and even the morning papers contained no announcement of the fact.

It was subsequently learned that Mr. Juarez had been ill for two days, but without alarming symptoms, until the evening of the 18th, when another attack, similar to that which so nearly proved fatal to him in October, 1870, was developed, and he died at half-past eleven the same night. He had received the usual visits of his ministers on the day of his death, and had dispatched several matters of business, one of them being a subject pending with this legation for more than a year. Two or three of his cabinet were with him at the moment of his death. General Mejia, minister of war, proceeded at midnight to the house of Mr. Sebastian Lerdo de Tejada, chief justice of the supreme court, on whom the presidency now devolved, and that magistrate passed at once to the house of the deceased, adjoining the palace, as did also a considerable number of other authorities summoned thither. By order of Mr. Lerdo the corpse was transferred to the palace, the mortuary certificate was drawn up, in the presence of the ministers, and the process of embalming immediately begun. The new President requested the existing cabinet officers to continue in their posts, and the minister of war proceeded to telegraph to the authorities throughout the republic the news of the death of Mr. Juarez and the accession of Mr. Lerdo.

During the morning of the 19th the permanent deputation of congress met to receive the oath of office from Mr. Lerdo, and to provide for the funeral of Mr. Juarez, which was fixed for Tuesday, the 23d instant. The municipality and other corporations assembled for the latter object passing resolutions in honor of the deceased, and appointing orators for the funeral.

The diplomatic corps made, in the afternoon, a formal visit of condolence to the new President, as will be mentioned in another dispatch.

According to law, the corpse of the President, when completely embalmed, was exposed to public view in the hall of ambassadors. It is estimated that more than 100,000 persons went to the palace to view the body of President Juarez. The funeral was magnificent, beyond all previous example in Mexico. The procession, which started from the palace at 9 in the morning, occupied more than two hours in its transit through the principal streets of the city to the cemetery of San Fernando. The streets and squares were densely crowded with people, and every window and house-top affording a view of the procession was occupied. Most of the edifices, public and private, exhibited badges of mourning. No religious ceremony was performed at the funeral. Orations were pronounced in the name of the government, of the permanent deputation, of the municipality, the press, the masonic orders, and several other corporations. The utmost order and solemnity prevailed throughout the proceedings, which were participated in by a very large part of the population of this city, and by deputations from the nearest States. In several of the State capitals funeral services were performed at the same time, and in others at a later date.

The municipality of Mexico has resolved to erect a statue to President Juarez in the square of Santo Domingo, which is henceforth to bear his name. The authorities and people of the State of Oaxaca petitioned that the body of the President might be buried at his native place Ixtlan, now called "Villa Juarez." Many other States have expressed the prevailing sentiment of respect for the memory of the late President by appropriate demonstrations.

The attitude of the press has been notable. All the papers both of this city and of other parts of the republic appeared in mourning. Even the most violent organs of the revolutionary party have published eulogistic articles, and have refrained from discussing politics during the interval between the death and the burial of President Juarez.

I inclose a copy and translation (A and B) of a note from the minister of foreign affairs, announcing the death of the President, and a copy of my reply, (C;) also a copy and translation (D and E) of the official invitation to the funeral, and a copy of my answer (F) accepting the same.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

Mr. Lafragua to Mr. Nelson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, July 19, 1872.

SIR: With profound regret, I have the honor to inform your excellency that the citizen Benito Juarez, constitutional President of the United States of Mexico, died yesterday, at half-past 11 in the evening.

On the occasion of communicating to your excellency this sad event, which will also be communicated directly to the Government of the United States of America, I have the honor to renew to your excellency the assurance of the high and distinguished consideration with which I am your excellency's obedient servant,

M. LAFRAGUA.

[Inclosure C.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, July 19, 1872.

SIR: I have had the honor to receive the note of this date, in which your excellency announces the death of the President of the United States of Mexico.

The time has not yet arrived when an impartial judgment can be pronounced upon the remarkable public career and the eminent services of President Juarez; but I can assure your excellency that the Government of the United States of America will deplore in his death the loss of a tried and trusted friend among the heads of foreign governments, and that the American people, accustomed for a long series of years to identify the success of President Juarez with the triumph of civil liberty and enlightened reform, will mourn the decease of one of the patriarchs of republicanism in America.

I improve this opportunity to again manifest to your excellency my high esteem and very distinguished consideration.

THOMAS H. NELSON.

[Inclosure E.—Translation.]

*Mr. Lafragua to Mr. Nelson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, July 19, 1872.

SIR: At the request of the acting President of the republic, I have the honor to send herewith to your excellency the letter by which that magistrate invites you to attend the funeral of the late President, the citizen Benito Juarez.

The government will be much pleased if your excellency will have the goodness to be present at the ceremony, along with the employés of your legation, for whom I also send invitations to your excellency.

I renew to your excellency on this occasion the assurance of my very high and distinguished consideration.

J. M. LAFRAGUA.

[Inclosure F.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, July 19, 1872.

SIR: I have received the note of this date, with which your excellency was pleased to send, by request of the acting President of the republic, invitations for the members of this legation to attend the funeral of President Juarez on Tuesday next.

Thanking your excellency for the kind attention, I shall have the honor to comply with this invitation.

I remain, with great respect, your excellency's obedient servant,
THOMAS H. NELSON.

No. 331.

Mr. Nelson to Mr. Fish.

No. 600.]

LEGATION OF THE UNITED STATES,
Mexico, July 24, 1872. (Received August 14.)

SIR: In accordance with the provisions of the seventy-ninth article of the Mexican constitution, Mr. Sebastian Lerdo de Tejada, chief justice of the supreme court, took possession of the presidency, *ad interim*, of this republic, immediately after the death of President Juarez. His

accession was announced to me by a note from the ministry of foreign affairs, of which I send a copy and translation, (A and B,) together with a copy of my reply, (C,) in which I expressed my confidence in the prudence, ability, and patriotism of the new President, founded on his honorable antecedents.

I lost no time in calling together the diplomatic corps, and, by previous agreement, we were received by the new President, surrounded by the cabinet, at 4 p. m. on the 19th instant, in the hall of ambassadors at the palace. The hall was densely crowded with spectators. As dean of the diplomatic corps, I pronounced a brief discourse of condolence for the loss of President Juarez, and of congratulation to the new chief magistrate, (D.) Mr. Lerdo replied (E and F) in a few words of well-timed eulogy upon Mr. Juarez as "author of the reform and savior of the independence" of Mexico, and expressed his absolute confidence in the maintenance of friendly relations with all the foreign nations represented on the occasion.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

Mr. Lafragua to Mr. Nelson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, July 19, 1872.

SIR: I have the honor to inform your excellency that, in consequence of the death of the citizen Benito Juarez, constitutional President of the United States of Mexico, the citizen Sebastian Lerdo de Tejada, president of the supreme court of justice of the republic, has taken possession of the executive power, a constitutional President *ad interim*, in accordance with the prescriptions of the national constitution.

The government of Mexico will communicate directly to the Government of the United States of America this event, which I now hasten to make known to your excellency.

I have the honor to renew to your excellency the assurance of my high and distinguished consideration.

J. M. LAFRAGUA.

[Inclosure C.]

Mr. Nelson to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, July 19, 1872.

SIR: I have the honor to acknowledge the receipt of your excellency's note of this date, announcing that in consequence of the death of President Juarez, the president of the supreme court of justice, Mr. Sebastian Lerdo de Tejada, has taken possession of the executive power, in accordance with the prescription of the national constitution.

The prudence, ability, and patriotism of Mr. Lerdo de Tejada, as demonstrated by his past career, afford a sufficient guarantee that the new chief magistrate of this republic will not disappoint the high expectations formed of him as the constitutional successor of the illustrious Juarez.

I improve this opportunity to renew to your excellency the assurance of my very high consideration.

THOMAS H. NELSON.

[Inclosure D.]

REMARKS OF MR. NELSON.

MR. PRESIDENT: The members of the diplomatic corps residing in Mexico desire to express their profound sorrow, in view of the sudden death of that illustrious statesman and patriot, Benito Juarez, late President of this republic.

At the same time, I have the honor to congratulate your excellency in the name of the diplomatic corps upon your succession to the presidency, in accordance with the provisions of the constitution and laws, and to express the hope and confident expectation that your wise and patriotic administration of the government will promote the peace, unity, prosperity, and glory of the republic of Mexico.

[Inclosure F.—Translation.]

REPLY OF PRESIDENT LERDO.

GENTLEMEN: In the name of the nation, and in my own, I am sincerely grateful for the sentiments that animate the diplomatic corps. If the death of a distinguished man is a public calamity, a proper name can scarcely be found for the terrible misfortune which now afflicts the Mexican people. As the author of the reform and preserver of our independence, the citizen Benito Juarez has elevated himself to a height that cannot be measured, even by a sentiment of the warmest and sincerest gratitude.

I am also very sincerely grateful for the good wishes which the diplomatic corps has expressed for the success of the administration over which I am about to preside, according to law, and during which the friendly relations that now unite the republic of Mexico with the nation you so worthily represent will, undoubtedly, be maintained.

No. 332.

Mr. Nelson to Mr. Fish.

No. 601.]

LEGATION OF THE UNITED STATES,
Mexico, July 26, 1872. (Received August 14)

SIR: In reply to your dispatch No. 262, of the 27th ultimo, in so far as relates to the case of the boat of the American war-steamer Ossipee, I have the honor to inclose a copy and translation of a note from Mr. Lafragua, of the 20th instant, (A and B,) accompanied by a copy and translation (C and D) of his note of the same date, to the ministry of justice, directing the delivery of the said boat, in its present condition, to the American consul at La Paz.

I will add that the satisfactory decision of this long-pending question was among the last acts of the late President Juarez, it having been performed on the day of his death.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

Mr. Lafragua to Mr. Nelson.

DEPARTMENT OF FOREIGN AFFAIRS.

Mexico, July 20, 1872.

SIR: Referring to your excellency's notes, dated respectively the 27th of March and the 20th of September of last year, both relating to the loss of a boat from the war-

steamer *Ossipee*, belonging to the United States of America, in the Gulf of California, and to its retention and sale by the persons who found it, I have the honor to transmit to your excellency, as the result of the statements made in the two notes referred to, a copy of a communication which I have to-day addressed to the ministry of justice, announcing the final decision upon this subject.

Your excellency would long since have been informed of the decision of the government in this matter, if the great distance between this city and Lower California were not notoriously an impediment to the rapid settlement of such questions, and if the difficulty had not been increased in the present instance by the obstacles presented by the American consul at La Paz, who refused, contrary to law, to give testimony before the district judge appointed for the investigation of this subject.

I have the honor to renew to your excellency the assurance of the high consideration with which I am, &c.,

J. M. LAFRAGUA.

[Inclosure D.—Translation.]

Mr. Lefragua to the minister of justice.

DEPARTMENT OF FOREIGN AFFAIRS, SECTION OF AMERICA,
Mexico, July 20, 1872.

CITIZEN MINISTER OF JUSTICE: In reply to your note dated the 24th of May last, in which you transmit a communication from the district judge of Sinoloa, concerning the investigations made in consequence of the finding on the coast of Lower California of a boat which was claimed as belonging to the American war-steamer *Ossipee*, the President of the republic instructed me to communicate to you, for the information of the said district judge, his decision that the said boat be delivered to the American consul at La Paz, with the customary formalities, and in its present condition; since Messrs. Hidalgo & Co., notwithstanding the early claim made by the American consul, proceeded to repair the boat and to use it for some time, knowing that their title was disputed, the American consul offering to pay the finders their proper salvage; and since, although the consul did not legally prove the ownership of the said boat, inasmuch as no suit at law was carried into effect, it is nevertheless easily deducible from the statements made to the minister of the United States in Mexico that it really belongs to the steamer *Ossipee*, of the American Navy.

Independence and Liberty!

LAFRAGUA.

No. 333.

Mr. Nelson to Mr. Fish.

No. 602.]

LEGATION OF THE UNITED STATES,
Mexico, July 30, 1872. (Received August 14.)

SIR: Herewith I transmit a copy and translation (A and B) of a decree of amnesty, issued by President Lerdo de Tejada, on the 27th instant.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

WAR DEPARTMENT, FIRST SECTION.

The citizen constitutional President *ad interim* of the United States of Mexico has been pleased to address me the following decree:

"Sebastian Lerdo de Tejada, constitutional President *ad interim* of the United States of Mexico, to the inhabitants thereof. Know ye:

"That in use of the faculties granted to the executive by the law of the 17th of May last, I have thought proper to issue the following decree: Digitized by Google

"ARTICLE 1. An amnesty is granted for the political offences heretofore committed, without excepting any person.

"ARTICLE 2. All persons who, for such offenses, have been sentenced to any penalty, or are now on trial, shall be immediately set at liberty, and their prosecution shall be relinquished.

"ARTICLE 3. The present amnesty leaves intact the rights of third parties.

"ARTICLE 4. The persons to whom this amnesty is granted, although they recover the full enjoyment of civil and political rights, shall not be entitled to re-instatement in offices, employments, or grades, nor to payment of salaries, pensions, annuities, or credits against the treasury, of which they are now deprived by law.

"ARTICLE 5. The persons who are now in arms, in order to enjoy the benefit of this amnesty, must present themselves to the proper governors or political chiefs within fifteen days from the promulgation of this law, in the capitals of their respective districts. The governors or political chiefs will record the names of those who thus present themselves and the dates of so doing, informing the ministry of war thereof.

"ARTICLE 6. Those persons who were excluded from the amnesty of the 14th of October, 1870, as having been lieutenants of the so-called empire, or generals-in-chief, who deserted to the invader while commanding divisions or corps of the army, shall remain subject to the provisions of the second and fourth articles of the said law of amnesty.

"Wherefore, I order the above decree to be printed, published, circulated, and duly obeyed.

"Given at the national palace of Mexico, July 27, 1872.

"SEBASTIAN LERDO DE TEJADA.

"The Citizen General IGNACIO MEJIA,

"Minister of War, present."

And I transmit it to you for your information and consequent observance.
Independence and Liberty!

MEJIA.

The Citizen GOVERNOR of the State of ———.

MEXICO, July 27, 1872.

No. 334.

Mr. Nelson to Mr. Fish.

No. 603.]

LEGATION OF THE UNITED STATES,
Mexico, July 30, 1872. (Received August 14.)

SIR: I inclose herewith a copy and translation (A and B) of an interesting proclamation issued on the 27th instant, by President Lerdo de Tejada, in which he gives the programme of his provisional administration.

As will be seen, he begins by asserting his full adherence to the so-called "laws of reform," which destroyed the power and secularized the property of the Mexican clergy.

He announces a decree of amnesty of the most ample character, and without any exceptions, thus enabling the actual insurgents to participate in the coming presidential election; promises speedily to terminate martial law in the States lately in rebellion; declares that he will use his "ample faculties" only in cases of extreme emergency; professes respect for the "individual guarantees" and the liberty of the press; and, offering toleration to all political opinions, proposes not to be the chief of a party, but of the nation.

His able state paper has been received with general favor by the press and by public opinion.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.—Translation.]

Sebastian Lerdo de Tejada, constitutional President *ad interim* of the United States of Mexico.

FELLOW-CITIZENS: The unexpected and lamentable death of the illustrious President, Benito Juárez, a calamity which clothes the entire nation in mourning and profound despondency, has made me the depository of the executive power of the union for a brief period, in accordance with law. The duties of my transitory administration are indicated by the declaration which I made before the permanent deputation of congress, in complete harmony with my sincerest sentiments and my most intimate convictions. A profound and inviolable respect for the constitution and the exact observance of the laws will be the constant rule of my conduct, as well to fulfill the solemn obligations I have contracted as to pursue the only path leading to the welfare and prosperity of the nation.

I consider it an especial duty to provide for the faithful observance of the "laws of reform," which have asserted and perfected our institutions. Those laws, designed to extirpate the chief defects of the ancient organization of our society, by opening our doors to a prosperous future, have proved, in their application and development, a remedy for the most complicated evils, and a triumphant entrance into the arena of true civilization. In addition to the obligation to observe and cause to be observed the laws of reform, my zeal to prevent their infringement will be increased by the conviction that they constitute the most solid basis of our political and social organization. In accordance with the provisions of our fundamental code for the contingency of the death or resignation of the President of the republic, I considered it highly proper that the first of my acts should be to initiate the decree for a new election, which has to-day been promulgated. In it the rights of the people will be justly respected, assuring and protecting without hindrance or restriction of any kind the amplest freedom of suffrage. All citizens, all parties, will enjoy complete liberty of action at the polls, and the result should therefore be recognized as the genuine expression of the popular will.

Imbued with this sentiment, I have judged it my duty to publish this day a decree of amnesty for political offenses hitherto committed, without any exception. The principle efforts of the insurgents having already been suppressed, an amnesty may be granted without incurring suspicion of contempt for law or weakness on the part of the authorities. This amnesty responds to the general anxiety for the pacification of the country, and to the deeply rooted convictions of all who contemplate the frightful disasters wrought by anarchy and the ruin which is the consequence of civil war. At the outset of a new electoral contest an amnesty is the only means to prevent any from being deprived of the right to vote, or of the suffrages given in their favor. I have thought that I could not make a better use of the facilities granted to the executive, and that if unfortunately any persons should still choose to afflict their country with the plague of war, and thus render necessary a new exertion of force to subdue them, public opinion will recognize that the executive has been sincerely desirous to omit no effort to obtain the supreme blessing of peace, and to afford every guarantee for electoral liberty.

With these important objects is involved a grave question concerning the States now under martial law. Present circumstances being favorable in the majority of instances, the executive will scrupulously endeavor to avoid the continuance of this abnormal situation, except where compelled by the absolute default of the constitutional authorities, until newly elected, or where it is rendered indispensable by the imperious necessity of the re-establishment of peace.

The executive being invested by the congress of the Union with ample faculties, they will only be employed in extreme cases, when it may be necessary to satisfy a pressing necessity. The executive desires, above all, not to be compelled to use them so as to affect any of the individual guarantees.

Respect for these guarantees cannot be exaggerated. The highest of them, the liberty of the press, which protects and guards the rest, will be held as inviolable by me, as it was, without any exception, during the long period I served as minister of the illustrious President whose loss we deplore. If the liberty of the press ought never to be subjected to any restriction, still less should it be restricted during an electoral struggle. The best corrective for the excesses committed by the press is the press itself, the enlightened and free echo of all opinions and of all parties. In administrative matters I shall strive to enforce the principles of law and order. I shall endeavor to make all the reductions which the poverty of the treasury demands. In appointments to office, I shall seek only honesty, capacity, and fitness. I shall retain the present employes who unite these qualities, without cherishing prejudices against any one, whatever may have been his political antecedents. In the exercise of supreme power, I will not be the organ of a political circle, but the representative of the entire nation. I will not be the chief of a party, but the impartial and dispassionate executor of the law.

When the elections shall have taken place, and the representatives of the nation shall have declared who is the people's choice, I shall consider it an honor to deliver to him the government, thus proving my complete submission to the sovereign will of the country, surrendering the deposit confided to me by the constitution.

My acts will answer for the sincerity of my sentiments, and I shall be careful not to make any variation from the principles now stated, so that, at the end of my short administration, I may merit the testimony of my fellow-citizens that I have endeavored to do my duty.

SEBASTIAN LERDO DE TEJADA.

MEXICO, July 27, 1872.

No. 335.

Mr. Hunter to Mr. Nelson.

No. 272.]

DEPARTMENT OF STATE,
Washington, July 31, 1872.

SIR: I transmit herewith a copy of a letter from the Secretary of the Interior, under date of yesterday, and of the communication addressed to him by the Commissioner of Indian Affairs, relative to twenty-one captive Apache Indian children now understood to be in Mexico, whose return to their tribe has been stipulated for by General Howard on behalf of this Government. You are requested to inform the government of Mexico that it is expected that no obstacle to the return of the children will be interposed, and that the Mexican authorities will promote that object by all proper means.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure.]

Mr. Delano to Mr. Fish.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 30, 1872. (Received July 31.)

SIR: I have the honor to transmit herewith, for your information, copy of a communication from the Commissioner of Indian Affairs, dated the 26th instant, in relation to the captivity of twenty-one Apache Indian children, who were taken captive at the time of the Camp Grant massacre in April, 1871.

General Howard having pledged the faith of the Government for the return of these children to their tribes, and the propriety of the recommendation of the Commissioner being approved by the President as well as this Department, I have the honor to invite your attention to the subject, and respectfully to request that you take such steps as, in your judgment, may be deemed proper and advisable, to inform the Mexican authorities of the views of this Department in the premises.

Very respectfully, your obedient servant,

C. DELANO,
Secretary of the Interior.

Mr. Walker to Mr. Delano.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, D. C., July 26, 1872.

SIR: I deem it my duty to ask the attention of the Department to the matter of the captivity of a number of Apache Indian children, taken from their parents and their tribe in the attack made by a party consisting of white citizens of Tucson, Mexicans, and Papago Indians, upon a party of Apache Indians, near Camp Grant, Arizona Territory, in April, 1871.

The general facts of that outrage have been fully communicated to the Department. I need now but refer to the capture of the children on that occasion. It has been reported that twenty-nine of these were carried away by the attacking party. From persons most interested it has been ascertained, to the satisfaction of this Office, that two of the children escaped, and succeeded in returning to friends, and that of the remainder, six who were with citizens in Arizona have been returned to Camp Grant, to be delivered up to the Indians. The twenty-one remaining unaccounted for are reported to be in Sonora, Mexico, and to be held in bondage by citizens of that country.

Humanity and justice, as well as wise policy in regard to the management of Indian affairs in Arizona, I respectfully submit, demand that prompt steps be taken by the Government to obtain the recovery of these twenty-one captives, for restoration to the Indians from whom they were forcibly taken.

General Howard promised the Indians the return of the children, and pledged the faith of the Government for the accomplishment of that object. With a view to the fulfillment of that promise, and to answering the natural and just expectations of the Indians, I respectfully recommend that the matter be referred to the Department of State, that the necessary representations may be addressed to the department of foreign affairs for the republic of Mexico.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

No. 336.

Mr. Nelson to Mr. Fish.

No. 607.]

LEGATION OF THE UNITED STATES,
Mexico, July 31, 1872. (Received August 14.)

SIR: The only subject upon which public interest has been centered since the death of Mr. Juarez, has been the political consequences likely to ensue from the sudden accession of Mr. Lerdo to power. The first acts of his anticipation have been awaited with a feverish impatience, in order to cast the horoscope of the future. Fortunately the new chief magistrate has responded to the demands of the situation in a manner which justifies the brightest anticipation. His first administrative act after requesting the cabinet of Mr. Juarez to continue in office, was to address the permanent deputation of congress, soliciting that the period for a new presidential election be immediately designated. This was done, the primary elections having been fixed for October 13, and the secondary for October 27. During the customary nine days of mourning, Mr. Lerdo refrained from taking any step to indicate his future course, and meanwhile the press and the public were busily employed in projecting cabinets and platforms. On the 27th instant, Mr. Lerdo published the proclamation and the decree of amnesty, which have been sent with other dispatches, and which have produced the most favorable effect. Only one paper, the organ of the revolutionary party, has failed to applaud the spirit manifested by Mr. Lerdo. The speedy pacification of the republic is now regarded as certain, and Mr. Lerdo, having obtained power, not as the chief of a party, but by a constitutional provision, is justly regarded as the only person capable of effecting a reconciliation of all parties.

I am, &c.,

THOMAS H. NELSON.

No. 337.

Mr. Hunter to Mr. Nelson.

No. 273.]

DEPARTMENT OF STATE,
Washington, August 1, 1872.

SIR: I transmit a copy of dispatch No. 81, of the 21st ultimo, addressed to this Department by Mr. William Schuchardt, commercial agent of the United States at Piedras Negras, Mexico. It appears from this paper that one Abraham Gonzalez was recently kidnaped in United States territory and taken into Mexico by one Pedro A. Valdes, who is understood to be an officer in the military service of that republic. You will lose no time in making a representation upon this subject to the Mexican government. You will demand the return of Gonzalez, and say that it is expected that Valdes will be made sensible of the displeasure of his government.

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure.]

Mr. Schuchardt to Mr. Hunter.

No. 81.]

COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
Piedras Negras, Mexico, July 21, 1872.

SIR: Compelled by the circumstances, and called on by a distressed family to act without delay in the below-described case, I had the honor to send to the Department the following telegram, through the agency of the postmaster at San Antonio, Texas:

UNITED STATES COMMERCIAL AGENCY,
Piedras Negras, Mexico, July 21, 1872.

Honorable Second Assistant Secretary of State, Washington, D. C.:

Abraham Gonzalez kidnaped, in United States territory, by Pedro A. Valdes, now occupying Laredo, Mexico. Instructions to commander of Fort McIntosh, Laredo, Texas, respectfully requested to demand person and property of Gonzalez from Valdes.

WM. SCHUCHARDT,
United States Commercial Agent.

I have the honor to inclose herewith a copy of the letter of Rafael Gonzalez, the brother of Abraham, who was kidnaped, and translation of said letter. This is the second time that Pedro A. Valdes, since he is a refugee in the United States, organized expeditions in that country to invade Mexico for the purpose to commit depredations in the defenseless villages of this country, and he seems to think that he can violate the laws with impunity of the country which gave him an asylum, and under whose flag he returns for protection when he comes back from his raids into Mexico. Most of the men who composed his command when he evacuated this place are a scourge for this Texas frontier.

On May 27, while Valdes was prisoner in San Antonio, Texas, for violation of the neutrality laws, and enticing United States soldiers to desert, a party of his followers organized, in Eagle Pass, Texas, an expedition, crossed over to Mexico, and committed depredations in the villages of this district. These men had in their possession seven horses, which were stolen from a ranch on the Texas side on the 26th of May, together with a number of mares and colts. The herder of these animals was murdered on the 25th of May, which acts were attributed to Indians, but the direction of the tracks of the stolen horses, which were followed by the owners, did not confirm the idea that Indians had committed these crimes, but rather that these roaming Mexicans, who call themselves exiles, despise honest work, and have no means to support themselves, had committed them.

I am, &c.,

WM. SCHUCHARDT.

[Translation.]

Mr. Gonzalez to Mr. Schuchardt.

RIO GRANDE, July 20, 1872.

SIR: Having on the left side of the Bravo, on a ranch called de los Garzas, twenty-five miles below Fort. Duncan, in Maverick County, a train of carts and oxen in charge of my brother, Abraham Gonzalez, for which carts and oxen I have paid the corresponding duties in the custom-house of Eagle Pass, Pedro A. Valdes had come to said place, with a force organized in the State of Texas, and has kidnapped my brother, carrying him off, mounted and armed, probably for the purpose that my brother could not notify the United States authorities that he (Valdes) was organizing an expedition in Texas with the object to rob the villages of Mexico, as he has done different times already, violating by that the neutrality laws. As this criminal act, committed on the 14th instant, on the person of my brother, Abraham Gonzalez, is in violation of the laws of the United States, I apply to you, as agent of the same, that you may take the convenient steps, without delay, which the case demands, for the purpose that my brother might be demanded from said Valdes, who is in Laredo, Mexico, before he leaves that place, because I am afraid that another criminal act might be committed besides that committed already, and I wish the prompt demand which the United States authorities will make for the liberation of my brother.

Your obedient servant,

RAFAEL GONZALEZ, 3D.

No. 338.

Mr. Hunter to Mr. Nelson.

No. 274.]

DEPARTMENT OF STATE,
Washington, August 6, 1872.

SIR: I transmit a copy of a communication of the 28th of May last, from Major T. M. Anderson to the acting assistant adjutant-general for the Department of Texas, representing that General José Cabellos, commanding the Mexican forces on the line of the Bravo, had returned a drove of cattle driven from this side, and arrested their purchasers on the Mexican side. You will comply with the suggestion of the major by making a suitable acknowledgment to the Mexican government for the sense of the duty of a good neighbor and of justice to the citizens of a friendly state shown by the proceedings of General Cabellos adverted to.

I am, &c.,

W. HUNTER,
*Acting Secretary.*HEADQUARTERS RINGGOLD BARRACKS,
Texas, May 28, 1872.

SIR: General José Cabellos, commanding the line of the Bravo, has returned a drove of cattle driven from this side, and arrested the purchaser of the stock on the Mexican side.

General Cortina has been relieved from duty on this line, and ordered to the city of Mexico, and those now in command on the Mexican side seem very anxious to cultivate friendly relations and stop all depredations on our soil.

I respectfully suggest that some official acknowledgment of General Cabellos's acts would have a very good effect.

I remain, sir, very respectfully, your obedient servant,

T. M. ANDERSON,
*Major, Tenth Infantry, Commanding.*ACTING ASSISTANT ADJUTANT-GENERAL,
Department of Texas.

No. 339.

Mr. Hunter to Mr. Nelson.

No. 275.]

DEPARTMENT OF STATE,
Washington, August 13, 1872.

SIR: A copy of a letter is herewith inclosed for your information, addressed by the Secretary of War to the Secretary of State on the 7th instant, and transmitting the reports of Major G. W. Schofield in relation to the Howard's Well massacre.

I am, &c.,

W. HUNTER,
Acting Secretary.

P. S.—Since the above was written a further communication in relation to the Howard's Well massacre has been received from the Secretary of War, under date of the 10th instant, and is herewith inclosed.

[Inclosure 1.]

*Mr. Belknap to Mr. Fish.*WAR DEPARTMENT,
Washington City, August 7, 1872. (Received August 9.)

SIR: In connection with copies of papers relative to the Howard's Well massacre, transmitted to you in communication from this Department of May 22 and July 19, 1872, I have the honor to send you herewith copy of a letter from Major G. W. Schofield, Tenth Cavalry, commanding Fort Hill, Indian Territory, upon the same subject.

Very respectfully, &c.,

WM. W. BELKNAP,
*Secretary of War.*HEADQUARTERS FORT SILL, INDIAN TERRITORY,
July 6, 1872. (Received August 9.)

SIR:

The Cheyennes referred to as just in from the Kiowa camps, confirm the report of three captive children in the hands of White Horse, of Big Bow's band of Kiowas, but they represent one of them as being a girl, nearly grown to womanhood. They also confirm the report (not previously alluded to, because not considered reliable) that Big Bow and his band were alone engaged in the massacre at Howard's Well. They say that Big Bow's story is, that he captured a train and burned it, killing seventeen persons, and lost one Indian, killed. Was followed by black soldiers and attacked, and that he killed two of the soldiers, and then returned to his lodges in the Indian Territory.

It is possible that the young woman said to be with this band is the one missing from the party massacred at Howard's Well.

Very respectfully, &c.,

G. W. SCHOFIELD,
*Major, Tenth Cavalry, Commanding Post.*The ACTING ASSISTANT ADJUTANT-GENERAL,
*Department of Texas, San Antonio, Texas.*HEADQUARTERS FORT SILL, INDIAN TERRITORY,
July 20, 1872.

SIR: Since my last communication, additional information has been received from the Indians of this reservation in regard to the Howard's Well massacre, the killing of the Lee family, and carrying off of two of its children, and the capture of a train, and

the killing of nine persons on Salt Creek, between Fort Richardson and old Fort Belknap. This latter is not confirmed, and is discredited. We now have no doubt as to who was engaged in the Howard's Well massacre, and in the killing of a portion and carrying off of the remainder of the Lee family: Kiowas, with a few Comanches, and probably one or two colored men, (one of them supposed to be a deserter from the Tenth Cavalry, who is known to be with the Kiowas,) and some Mexicans, who are really Kiowas. All of the bands, both of Kiowas and Comanches, have a number of Mexicans, generally brought up as Indians, having been captured when children.

The Indians describe the train, the number of persons killed, the burning of the train, the tying up of the Mexicans to the wagons and burning them, the pursuit by soldiers, and the killing of a captain and one soldier. They say that the train contained a "big lot of arms and ammunition," and that they got "plenty of guns and cartridges." These stories come to us from the Comanches, Cheyennes, and Caddoes, and they all agree, except that some report nineteen and some as high as thirty persons killed.

Very respectfully, &c.,

G. W. SCHOFIELD,
Major, Tenth Cavalry, Commanding Post.

ACTING ASSISTANT ADJUTANT-GENERAL,
Department of Texas, San Antonio, Texas.

[Indorsements.]

HEADQUARTERS, DEPARTMENT OF TEXAS,
San Antonio, July 19, 1872.

Respectfully forwarded to headquarters Military Division of the Missouri, for the information of the Lieutenant-General commanding.

C. C. AUGUR,
Brigadier-General Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, July 29, 1872.

Official copy, respectfully forwarded to the Adjutant-General of the Army for his information.

JAMES B. FRY,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, August 2, 1872.

Official copy :

E. D. TOWNSEND,
Adjutant-General.

The Honorable the SECRETARY OF STATE.

[Inclosure 2.]

Mr. Belknap to Mr. Fish.

WAR DEPARTMENT,
Washington, D. C., August 10, 1872.

SIR: In connection with the report of the massacre and destruction of property at Howard's Well by Indians, Mexicans, and negroes, transmitted to you on the 22d of May last, I have the honor to invite your attention to the inclosed copy of the correspondence of one Moses E. Kelly, which embraces additional information on the subject.

Respectfully yours, &c.,

WM. W. BELKNAP,
Secretary of War.

PRESIDIO DEL NORTE, June 30, 1872.

DEAR SIR: I arrived here a week ago, and had arranged my business so as to go to Davis this coming week, to stay for some time. I did not pass by Davis on my return,

but came direct from Stockton. I delivered your dispatch to Hagelseib, but don't know what disposition he intends to make.

I have made all inquiries I can about these Indians, but haven't any positive evidence that they were engaged in the Howard Well affair. They have probably left again by this time "on the war-path."

The governor of Chihuahua gave up the wife of Chief Colorado on the condition that he would make war on Gordo's gang, but he kept the mother of Colorado and one of his sons, as hostages of his good faith.

I saw Colorado three days ago, and asked him what he intended to do and where he was going. His reply was, "To hunt Gordo." I haven't seen any of them for the last two days, which makes me think the whole gang has left. I will make further inquiries as to their being the gang that attacked Gonzalez. The general impression here is that a fellow-chief, Alzarte, and part of Colorado's gang, were the Indians. The person reported to be a Mexican, from this place, who was with the attacking party, was an Indian, who left the Mescaleros some years ago, and resided at this place in peace, but disappeared some two years ago, and the general impression was that the Indians had killed him. His name was "José Maria Vesoi."

We have word half hour ago from Chihuahua. The whole country is in an uproar. The revolutionists, about fifteen hundred strong, are in Parral, and marching on to Chihuahua. The United States consul has called on Colonel Andrews for protection of American citizens. The general impression is that everybody will be plundered, and many are making their escape to El Paso and this place, bringing with them what they can. Unless the revolutionists are greatly overestimated, the government party will not make a stand. In this case our burg will have a call, and we can expect lively times. Hagelseib has a large lot of goods on hand for merchants of Chihuahua, and they all write not to send them, and some fifteen put them back over the river to the Texas side.

I think probably that I will have a lot of Mexican officials to accompany me to Davis for safe-keeping, and probably the custom-house funds to guard. I feel a little interested in what Colonel Andrews will do in response to United States consul's call. Let me know what General Augur thinks of extending the required protection, and the general aspect of affairs at Monterey.

Yours, &c.,

H. B. ADAMS, Esq.,
San Antonio.

MOSES E. KELLY.

FORT DAVIS, TEXAS,
July 15, 1872.

DEAR SIR: Yours of the 8th instant came yesterday, and contents noted.

I could get no further information (positive) relative to those Indians. They left on the war-path about the day I wrote you last, and have come into Texas again. They offered no arms or mules for sale, nor had they any buck-skins, or anything to trade, and but very few came into town. I should have gone to their camp, some sixty miles below Del Norte, had they not put off so soon after my return from San Antonio. I informed Colonel Bliss, at Stockton, of their leaving, at his request, and send him a couple of guides to-morrow to cut their trail. They were undoubtedly near Howard's Well again, and were the same party, in company with a chief, Alzarte, who fought General Merritt.

Yours, truly,

H. B. ADAMS, Esq.,
San Antonio.

M. E. KELLY.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, July 23, 1872.

Respectfully forwarded to the Adjutant-General United States Army, through division headquarters.

These two letters contain all the information I have been able to get from Del Norte concerning the Indians said to have been engaged in the Howard's Well massacre.

C. C. AUGUR,
Brigadier-General, Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, August 2, 1872.

Respectfully forwarded to the Adjutant-General of the Army.

In the absence of the Lieutenant-General commanding.

JAMES B. FRY,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, August 7, 1872.

Official copies :

E. D. TOWNSEND,
Adjutant-General.

The Honorable the SECRETARY OF STATE.

No. 340.

Mr. Nelson to Mr. Fish.

No. 610.]

LEGATION OF THE UNITED STATES,
Mexico, August 15, 1872. (Received September 7.)

SIR : The pacification of the republic, as a consequence of President Lerdo's decree of amnesty, may now be considered as a fact. Up to this date information has been received of the submission of Generals Negrete, Labastida, Lomeli, Pedro Martinez, Narvaez, Aureliano Rivera, Meier y Teran, Betanzos, Cosio, Pontones, Galvan, Velez, and Chavarria, of whom the three first named issued proclamations to their followers in terms very satisfactory to the administration of Mr. Lerdo.

The revolutionary organ in this city denounced the amnesty, as not containing a restitution of the insurgent chiefs to their military rank and civil offices, but was soon forced by the unanimity of the rest of the press to change its tone.

No doubt is entertained of the submission of Porfirio Diaz, Treviño, Quiroga, Guerra, and others from whom no definite information has yet been received on account of the distance. Only two of the insurgent chieftains, Migoni and Garcia de la Cadena, are known to have rejected the amnesty ; of these, the former was speedily killed in the State of Vera Cruz, and the latter was taken prisoner with his entire force in the State of San Luis Potosi.

The policy of President Lerdo has been to maintain the most absolute *statu quo*. No removals from office have been made, and no political measures taken, except the amnesty, the cessation of martial law, and the summons for the presidential election. The consequence has been that the circles of opposition have been left without any rational basis on which to combat the election of Mr. Lerdo. Although nearly a month has transpired since the death of Mr. Juarez, and less than two months remain before the election, no formal opposition candidate has been put forward, and apparently none will be. Numerous newspapers have been established to support the election of Mr. Lerdo, who will probably be chosen almost unanimously.

At the death of Mr. Juarez the Mexican treasury was nearly empty, in consequence of the expenses of the civil war, and the employes had not been paid for many months. Mr. Lerdo having appealed to the capitalists of the city for a loan of \$400,000, the amount was almost immediately subscribed.

Commerce, agriculture, and mining have taken an impulse from the hopes of peace, and an era of prosperity is confidently expected.

I am, &c.,

THOMAS H. NELSON.

No. 341.

Mr. Nelson to Mr. Fish.

No. 612.]

LEGATION OF THE UNITED STATES,
Mexico, August 15, 1872. (Received September 7.)

SIR: Herewith I inclose a copy and translation (A and B) of a proclamation issued by General Miguel Negrete on the occasion of his acceptance of the amnesty decreed by President Lerdo on the 27th ultimo.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B in No. 612.—Translation.]

The Citizen Miguel Negrete to his fellow-citizens:

MEXICANS: The cordial reception which you gave me on my recent arrival at this capital proves that you still cherish for me that affection which has been my richest treasure. Your salutation and the pressure of your hands has satisfied me that even in the depths of bitterness a sweet hope may still abide.

Every one who devotes himself to public affairs contracts the obligation to render an account of his conduct, and, with still more reason, men who, like myself, have placed themselves at the head of the people, and have undertaken to carry out democratic principles.

You certainly cannot have forgotten our labors in the late presidential election. The central club of the people, organized by myself, acquired so great a development that within a few months its branches not only formed a large circle in this capital, but, extending all over the republic, made its voice heard. The government of Juarez, abusing its power, tried to stifle the voice of the people, and established rival clubs, short-lived and sterile, which served only to demonstrate and strengthen the force of the opposition. During the seven months that our popular meetings were held the candidature of General Porfirio Diaz became so deeply rooted that no one doubted that the brave general would obtain the first magistracy of the republic. Nevertheless, intimidation and bribery, the employment of corrupt officials, and the distribution of troops throughout the country, repressed public opinion, so that the re-election triumphed by illegitimate means.

Revolution then became a necessity; the people and a part of the army, rising at once, made armed resistance to Juarez, and from the northern frontier to the mountains of the south the same war-cry was heard. The period from the re-election of Juarez until his death gave that ruler clearly to understand that, in spite of the blows dealt to the revolution by the Juarist troops, the same revolution, rising from its ashes, gathered strength and seriously menaced the government. To verify the truth of my assertion it is only necessary to examine one by one the numbers of the *Diario Oficial*, and it will be seen therein that after the re-election Juarez has averaged at least one combat daily. This war-cry rang in the ears of Juarez on his dying-bed, and only over his tomb has the olive of peace begun to flourish to-day.

The revolution, overspreading the entire republic, summoned all independent men to arms, and I had the honor to respond to that call by drawing my sword in defense of the rights of the people. During all the time that Don Benito Juarez remained in the chief magistracy after his last re-election, I have fought without truce and with my own resources alone against the usurper, who, in robbing the republic of its holiest rights, had converted it into his own patrimony and that of a few Mexicans and foreigners who aided him in the subjugation of the people.

I was determined, with the elements I could command, to continue a war without truce against Juarez, but just as I was obtaining great resources I received the news of his death, and from that time I anxiously waited until the person legally called to

replace him should convoke the Mexican people to a free election, thus obtaining the peace so indispensable to the republic.

The manifesto of Lerdo was not long delayed; within a few days from taking his seat he issued a document in which, opening an ample field for the coming election, he published an amnesty for all political offenses.

It is true that this amnesty tore from many true patriots the honorable services rendered to liberty and to the nation; it is true that military grades recognized by history and respected by a foreign army were completely nullified by a dash of the ruler's pen; and it is also true that soldiers who had contributed to give us a country and a government, when, properly speaking, there had been neither for several years, were remanded by the manifesto of Lerdo to hunger and misery; but it is also true that there was presented as a holy compensation for personal sacrifice the peace of the republic; and no Mexican who loves his country could continue to bear arms in defense of his individual interests when the interests of the nation were cast in the other scale of the balance. For this reason I decided to return to Mexico, confiding in the sincerity of the call issued by the provisional president, and in the hopes that the words of his manifesto will not prove a dead letter, nor its magnificent ideas a false promise. I have faith in the future actions of Lerdo. His proverbial talent will enable him to open a pathway of flowers through a country hitherto sown with thorns, and if he wishes, as he says, to make his country happy, it is easy for him to do it. The former minister of foreign affairs has noted full well, in the retirement of his home, the consequences of the errors committed by a ruler when he undertakes to deceive the people, and how that people rise in rebellion when it is betrayed.

The usurping administration of Juarez and its consequences already form a page of mourning, whose color should serve as an example to all who, like the late President, try to abuse their power. Juarez descended to the tomb by the hand of God; if another ruler should attempt to deceive the people, he would, perchance, find a sepulcher by the hands of men.

Nevertheless, I repeat, this will not take place. A free and loyal election awaits us, and it is now time that the people and the government should mutually respect each other. For my own part, I am resolved to cause the rights of the people at the ballot-box to be preserved, and I am also determined to defend with my blood the person legally elected at the polls.

MIGUEL NEGRETE.

No. 342.

Mr. Nelson to Mr. Fish.

No. 613.]

LEGATION OF THE UNITED STATES,
Mexico, August 23, 1872. (Received September 7.)

SIR: Herewith I inclose a copy and translation (A and B) of the platform accepted by Mr. Lerdo during the presidential campaign of last year, and which has again been put forth with his sanction in reference to his candidature for the elections of October next. It has been warmly approved by most of the newspapers of this capital, and has encountered no serious opposition.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B in No. 613—Translation.]

PLATFORM OF MR. LERDO.

1st. Mexico will not renew diplomatic relations with foreign powers except upon prudent bases. Our treaties and conventions should be reduced to such stipulations as may be absolutely necessary, and should contain within themselves the principle of their periodical amendment.

2d. The independence and sovereignty of the states will be conscientiously respected, and the general government will abstain from all intervention in their internal questions.

3d. The necessary measures will be recommended for the organization and recruit-

ment of the army, in accordance with the spirit of democratic institutions and the public necessities.

4th. The individual guarantees found in the constitution will be respected, and the authorities who violate them will be punished with the utmost rigor of the laws.

5th. Unlimited development will be given to gratuitous public instruction, especially the primary, with a view to extend it as far as possible among the aboriginal class, which is generally regarded with criminal indifference.

6th. Individual security will be provided for by means of a well-organized police, which will efficiently chastise malefactors.

7th. The inviolate rights of property will be maintained against all invasions emanating from authorities, and these rights will be considered as the foundation of social order.

8th. The public finances will be so organized as to equalize the receipts with the expenditures, introducing a prudent economy into the latter by reducing the number of employes to those strictly necessary, and exercising the severest vigilance in respect to the officers who manage the public funds, making them responsible for their conduct.

9th. The funding of the public debt will be arranged upon just bases, and the development of every kind of establishments of public credit will be protected, in order to mobilize the wealth of the country and found the national credit.

10th. The government ought not to undertake the construction of public works; which will therefore be let by auction to private companies upon the most favorable terms for the public interest, and with the greatest possible economy for the treasury.

11th. Immigration and public works will be especially protected, by offering to the companies formed for such objects all the privileges compatible with the public welfare.

12th. The following means will be employed with the object of converting theories of democracy and popular sovereignty into practical facts: Strict observance of law; respectful support of all legally constituted authorities; submission to the freely expressed will of the majority; condemnation of every maneuver for disturbing public order, for subverting our institutions, or for overthrowing the functionaries established by law; absolute suppression of every artifice tending to falsify the popular will, whether proceeding from the authorities or from parties, applying to the delinquents the full rigor of the law.

13th. The severest morality will be introduced into all the branches of the administration, and honesty and capacity will be considered a requisite for appointment to office.

14th. Proper measures will be taken to secure the independence of municipal bodies.

15th. Freedom of commerce will be sought by means of a reform of our financial system.

16th. The frontier States and the peninsula of Yucatan will receive a preferential attention, with the object of hastening the termination of the wars of races and of barbarous Indians, especially by means of the colonization of their deserts.

17th. The faithful fulfillment of the constitution and laws of reform will be strictly insisted upon, seeking in the various practical cases the most rational application and that most in conformity with their spirit and the welfare of the people.

No. 343.

Mr. Nelson to Mr. Fish.

No. 616.]

LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872. (Received September 7.)

SIR: Pursuant to the instructions contained in your No. 274, of the 6th instant, I have to-day addressed a note to Mr. Lafragua, of which I inclose a copy, returning thanks in the name of the Government of the United States to the government of Mexico for its friendly action, as exhibited in recalling General Cortina from the frontier, and in the return of stolen cattle by General Ceballos to their owners in Texas.

I am, &c.,

THOMAS H. NELSON.

[Inclosure in No. 616.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872.

SIR: It is my agreeable duty to inform your excellency that my Government has received information from Major T. M. Anderson, one of its military officers on the Rio Grande frontier, to the effect that General José Ceballos, commander of the Mexican army of operations in that section, has returned to the owners a drove of cattle which had been stolen from Texas, and had arrested their purchasers; and, also, that General Juan N. Cortina, whose conduct has given rise to so many remonstrances from American citizens and officials, has been relieved from duty and ordered to the city of Mexico. Major Anderson added that the Mexican officers then in command (May 28) seemed anxious to cultivate friendly relations with the United States, and to put a stop to all depredations on American soil.

For these gratifying evidences of good feeling on the part of the Mexican government and its military officials I am instructed by my Government to return its sincere thanks to the government of the republic of Mexico.

I have the honor to renew to your excellency the assurance of my very high and distinguished consideration.

THOMAS H. NELSON.

No. 344.

Mr. Nelson to Mr. Fish.

No. 614.]

LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872. (Received September 7.)

SIR: Referring to your No. 272, I have the honor to inclose a copy of a note which I addressed to Mr. Lafragua upon the 23d instant, requesting the intervention of the Mexican government for the purpose of restoring to their tribe in Arizona Territory the twenty-one Apache children captured last year at Camp Grant.

In a conference on this subject Mr. Lafragua promised to give this matter his immediate attention.

I am, &c.,

THOMAS H. NELSON.

[Inclosure in No. 614.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, August 23, 1872.

SIR: I have been instructed by the Department of State at Washington to lay before the government of Mexico the facts set forth in an official letter from the Commissioner of Indian Affairs, of which I inclose a copy, relative to the capture of a number of Apache children in Arizona, in April of last year, by a combined party of citizens of that Territory, Mexicans, and Papago Indians. Twenty-one of these children are alleged to be in the State of Sonora in the hands of Mexican citizens.

It being equally desirable, from motives of humanity not less than as a fulfillment of pledges made in the name of my Government, that these Apache children be restored to their tribe, I earnestly request that your excellency will, as soon as may be practicable, cause the proper measures to be taken for that end.

I have, &c.,

THOMAS H. NELSON.

No. 345.

Mr. Nelson to Mr. Fish.

No. 617.]

LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872. (Received September 7.)

SIR: I inclose herewith a copy of a note which I have to-day addressed to the Mexican government, demanding, in pursuance of the instructions contained in your No. 273, of the 1st instant, the prompt return of Abraham Gonzales, kidnaped in Texas by one Pedro A. Valdes, and the punishment of the perpetrator of that outrage.

I am, &c.,

THOMAS H. NELSON.

[Inclosure in No. 617.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, August 24, 1872.

SIR: The Government of the United States has been informed by its commercial agent at Piedras Negras, in Coahuila, that one Pedro A. Valdes, calling himself a colonel, and understood to be an officer in the military service of Mexico, had organized upon American soil a party of men with whom he invaded that State, having previously kidnaped in Texas one Abraham Gonzales, whom he carried with him into Mexico.

I am instructed to lose no time in laying this fact before the government of Mexico, not doubting that your excellency will cause the speediest measures to be taken for the release of the said Gonzalez, and for making the kidnaper Valdes sensible of the displeasure of his government.

I have the honor to remain, with the highest respect, your excellency's obedient servant,

THOMAS A. NELSON.

No. 346.

Mr. Nelson to Mr. Fish.

No. 633.]

LEGATION OF THE UNITED STATES,
Mexico, September 13, 1872. (Received September 30.)

SIR: Herewith I transmit a copy of a note which I addressed to Mr. Lafragua on the 4th instant, (A.) together with a copy of the letter therein alluded to from Dr. A. M. Boyd, of Tuxpan, Mexico, in which he complains of excessive and illegal duties levied upon American colonists in that vicinity upon the importation of machinery for sugar-plantations.

No reply has yet been received.

I am, &c.,

THOMAS H. NELSON.

[Inclosure A.]

*Mr. Nelson to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, September 4, 1872.

SIR: I have the honor to inclose, for the information of the Mexican government, a copy of a letter from Dr. A. M. Boyd, one of the American colonists at Tuxpan, dated

the 5th of April last, in which he states facts connected with the progress of American immigration and enterprise in that region, which will, I doubt not, be read with interest by your excellency. I would respectfully call the attention of your excellency to the statements contained in this letter concerning the high duties on machinery imported from the United States for the sugar-plantations near Tuxpan, and the depressing effect of said high duties upon that important and rapidly increasing branch of industry.

It would be very satisfactory to me could a remedy be found for this impediment to the prosperity of the American colony at Tuxpan.

I am, &c.,

THOMAS H. NELSON.

[Inclosure B.]

Mr. Boyd to Mr. Nelson.

TUXPAN, April 5, 1872.

MY DEAR SIR: Again I take the liberty to address you on a subject of much importance to our countrymen settled in this valley as emigrants.

For the past three or four years emigration to this place has been of little importance, from the fact that nearly all were poor, and consequently not able to import anything of importance into the country, but now a better class of people and men of capital are coming, who desire to bring machinery and implements of industry, for the purpose of cultivating, manufacturing, and exporting sugar. I am agent for a large manufactory of cane-machinery in Buffalo, New York, also for the only American vessels making regular trips from here to the United States, and will soon have another and more important and extensive agency for importing and exporting from this port to New York.

What our people complain of is the high rate of duty collected by the federal government of Mexico on machinery and implements of industry, intended to advance the agricultural as well as the commercial interests of the country. A case which I will relate to you will illustrate the fact.

Judge M. Munson, of Houston, Texas, some time since purchased on the Tuxpan River a tract of land, and shipped out a fine engine and machinery for a sugar-farm; the duties which he paid to the custom-house were upwards of \$400, the machinery being second-hand. By the last trip of his schooner he sent out an engineer to put the mill up, and the latter brought with him some old tools, on which I have paid a duty of over \$50. This is very discouraging to emigration in a country where there are no facilities for making implements of industry, and what our people desire is, through you as minister, to lay the facts before the proper authorities, and see if some more liberal terms cannot be granted to emigrants who design settling and engaging in the cultivation of sugar. On articles of luxury it makes no difference; it is only on articles of prime necessity that we ask the favor of the government. The port of Tuxpan is destined, at no distant day, to be of importance.

This year not less than 300,000 pounds of sugar will be manufactured by the Americans in this valley, nearly all of which must be exported; and more than three times that quantity will be made another year; besides this, three large firms from New York are established here, trading in the products of the country and exporting them to the United States. Don Manuel G. Tello, our custom-house collector, has shown me a letter from Mr. Romero, minister of hacienda of Mexico, stating that liberal provisions were pending before congress in favor of emigration. Mr. Tello is a gentleman of liberal and progressive ideas, and is doing all in his power to aid emigration and procure, if possible, some easier and more permanent system of procuring land, which is another serious obstacle, all the available lands being in the hands of a company who refuse to sell or give any permanent guarantee. Capitalists are unwilling to invest their means on such lands.

By every mail I receive letters from parties making inquiry for lands in the Tuxpan Valley, to which I can give no satisfactory answer. These obstructions removed, with liberal emigration laws, we should have a port second to none in the republic in a few years.

By referring these requests to Mr. Romero, or to the authorities to whom it properly belongs, you will confer another solid favor on many Americans laboring under difficulties.

For many former favors at your hands,

I am, &c.,

A. M. BOYD.

No. 347.

Mr. Nelson to Mr. Fish.

No. 634.]

LEGATION OF THE UNITED STATES,
Mexico, September 14, 1872. (Received September 30.)

SIR: Very few events of importance have occurred during the past fortnight.

The submission of Treviño, Quiroga, Guerra, and Marquez is confirmed. The attitude of Porfirio Diaz is still undecided. A commissioner from him arrived in this city a few days ago, and delivered to President Lerdo a letter from Diaz, in which he offered to accept the situation on condition of the restoration of the insurgents to their former civil offices and military rank, and of the postponement of the presidential election; which proposal was, of course, declined by Mr. Lerdo. The majority of the former partisans of Mr. Juarez in congress will undoubtedly give in their adhesion to Mr. Lerdo.

The Porfiristas, or partisans of General Diaz, will constitute the opposition, and will endeavor to obtain a postponement of the presidential election, hoping thus to create a better situation for their candidate.

The anniversaries of the battles of Churubusco and Molino del Rey have, as usual, been celebrated with enthusiasm, the President of the republic and his cabinet being present.

I am, &c.,

THOMAS H. NELSON.

No. 348.

Mr. Nelson to Mr. Fish.

No. 635.]

LEGATION OF THE UNITED STATES,
Mexico, September 14, 1872. (Received September 30.)

SIR: Referring to my No. 633, of yesterday, I have the honor to inclose a translation of a note just received from Mr. Lafragua, in reply to mine of the 4th instant, upon the complaints of the American colonists at Tuxpan.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.—Translation.]

*Mr. Lafragua to Mr. Nelson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 12, 1872.

SIR: I have received your excellency's note and annexed document of the 4th instant, concerning the American colony at Tuxpan, and have the honor to state that I have transmitted copies to the treasury department, in order that, after inquiry, a proper determination may be taken.

I take pleasure in renewing to your excellency the assurance of my high consideration.

No. 349.

Mr. Nelson to Mr. Fish.

No. 637.]

LEGATION OF THE UNITED STATES,
Mexico, September 14, 1872. (Received October 1.)

SIR: Referring to my No. 617, of the 24th ultimo, I have the honor to inclose a translation of Mr. Lafragua's reply, dated the 12th instant, to my note requesting the Mexican government to take measures for the release of Abraham Gonzalez, and for the punishment of his kidnaper. Mr. Lafragua states that he has sent a copy of my note to the ministry of war, in order that an investigation may be made, the results of which he will communicate to this legation.

I am, &c.,

THOMAS H. NELSON.

[Inclosure.—Translation.]

*Mr. Lafragua to Mr. Nelson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 12, 1872.

SIR: Having noted the contents of your excellency's note of the 24th ultimo, concerning an outrage said to have been perpetrated by Colonel Pedro Valdez upon the person of Abraham Gonzalez, a resident of Texas, I have sent a copy of your excellency's note to the minister of war, in order that he may direct an inquiry and communicate its results. As soon as the investigation shall be finished, I shall have the honor of replying to your excellency's polite note.

I have the honor to renew to your excellency the assurance of my high consideration.

J. M. LAFRAGUA.

No. 350.

Mr. Nelson to Mr. Fish.

No. 639.]

LEGATION OF THE UNITED STATES,
Mexico, September 16, 1872. (Received October 1.)

SIR: In the early part of this year a person named Charles Thiele, of French birth, but claiming American citizenship, addressed me several letters from Comitán, Chiapas, complaining of having been imprisoned on a charge of complicity with the revolution.

I brought the case unofficially before the Mexican government, which replied that Thiele was a Mexican citizen and had served as such in the army. This reply I communicated to Thiele in March last, requesting proofs of his American citizenship. This request I have since repeated, but have received no reply, although my first letter to him was printed in English in a Chiapas paper. He was released from prison several months since.

I have thought it proper to inform the Department of the above facts, inasmuch as paragraphs on the subject, emanating from sources hostile to the administration, have been widely published in the American newspapers, charging this legation with neglecting the grievances of American citizens.

I am, &c.,

THOMAS H. NELSON.

NICARAGUA.

No. 351.

Mr. Riotte to Mr. Fish.

[Extracts.]

No. 97.]

UNITED STATES LEGATION,
Leon, January 21, 1872. (Received February 16.)

SIR: I beg to acknowledge the receipt of circulars No. 14, of December 7, and No. 15, of December 15, and of dispatch No. 65, of December 20, last.

It becomes my duty to advise you that about two weeks ago the agent of one or more European houses, (Erlanger is named,) of what nationality I was not able to ascertain, arrived in this city, and, after a week's detention by fever, went to Managua. He gave out that he was authorized to propose to the government a renewal of the Prin contract of 1864 and 1865, in behalf of his employers, for the construction of an interoceanic railroad across this republic, from Monkey Point, on the Caribbean Sea, north of Greytown, to Jagtiey, on Corinto Bay, and that, as a security for a faithful compliance with the obligations his employers might contract, he was prepared to deposit with the government any amount asked for. If this last offer showed me that his employers were fully aware of the terrible stress for money, wherein this government is staggering along from one day to the other, and of the almost irresistible temptation they were holding out by it, it not less proved to me that the movement was one apt to seriously compromise the interests of our citizens.

* * * * *

If I had but the remotest assurance that Congress would be disposed to make another appropriation for carrying out the exploration of the Nicaraguan Isthmus, resolved upon two years ago, I think this new scheme would have very little chance indeed. But these people, in their eager expectation, ay, agony, for the sight of the United States exploring commission, have from day to day, for the last year, been subject to a most tantalizing ordeal, and by this time have pretty generally given up looking to that quarter for relief. I have tried to keep up their spirits, but the utter silence on the subject in all the public documents recently presented to Congress has shaken my belief too. In the correspondence likely to spring up between this government and myself, on Mr. Carmichael the said agent's proposition, I am sure to be met by the argument, whether it was reasonable and just that the people and Government of the United States, while they are disinclined to do anything for establishing an interoceanic transit line upon the only track (as they are firmly persuaded) where it is feasible, should resist every attempt made by others to introduce an improvement which for them is a question of life or death. I myself am persuaded that the moment has come when the United States will have to make up their mind and come to a final conclusion upon this Nicaraguan transit. I have many indications tending to show that if our people will not undertake it, then the English or Germans will. That some tidal wave of abundance of funds and furor for all classes of great enterprises, like after the Crimean war, and yet more fearful, is beginning to sweep over Europe. If my Gov-

ernment will but notify me at once that it will soon send out the exploring expedition—from now till beginning of September is the most favorable season—it will be considered here a *bona fide* beginning, and I would fear no European proposals, be they ever so favorable.

I have, &c.,

C. N. RIOTTE.

No. 352.

Mr. Fish to Mr. Riotté.

No. 68.]

DEPARTMENT OF STATE,

Washington, February 22, 1872.

SIR. Referring to your dispatch No. 97, of the 21st ultimo, on the subject of the exploration of the Nicaraguan Isthmus, with a view to the construction of an interoceanic canal, I have to inform you that an expedition for that purpose has been ordered by this Government, and that a vessel may be expected in Nicaragua in a few weeks, to begin the survey. I take this occasion to acknowledge the receipt of your dispatch No. 96, of the 11th ultimo.

I am, &c.,

HAMILTON FISH.

No. 353.

Mr. Riotté to Mr. Fish.

No. 108.]

UNITED STATES LEGATION,

Managua, April 27, 1872. (Received May 31.)

SIR: I have the honor of acknowledging the receipt of dispatch No. 70, of the 26th ultimo.

The three inclosures will convey to you the distressing news of the drowning on the 12th instant, upon the bar of the Port of San Juan del Norte, of Captain Alexander F. Crosman, commanding United States exploring expedition, together with several of the crew of the steamer Kansas, and a knowledge of the notes exchanged between myself and this government on this sad occasion. Complying with my suggestion, the President at once ordered the government flag to be raised half-mast together with mine.

You will notice that in Governor Urtecho's report it is at first stated that Captain Crosman and seven of the crew were drowned, and afterward, that the drowned amounted to seven in all. According to private letters to members of the government, I trust I may assume the smaller number to be the correct one.

Till this moment I am absolutely without any direct information from either the United States commercial agent at San Juan del Norte, or from any member of the commission. Private letters say that its members were so disheartened by the terrible accident that they deliberated whether to return or to go on, and that they determined upon continuing, Captain Hatfield, of the Kansas, taking command.

The sorrow not alone among the members of the government, but also among the public here, was sincere, and I was made the recipient of many visits of condolence.

I have, &c.,

C. N. RIOTTE.

[Inclosure 1 in No. 108.—Translation.]

• *Mr. Rivas to Mr. Riotté.*

The governor-intendant of San Juan del Norte has, on the 13th instant, directed the following dispatch to the minister of interior, viz:

"I hasten to communicate to you a sad misfortune. Captain Crosman, commanding the expedition of American engineers, and seven men more perished yesterday by drowning in crossing the bar of this port, coming from their ship. As soon as the boat wherein they were coming upset, a launch from the ship came immediately to their assistance, which was also swamped, and a third boat dispatched to the same end had the same fate. Yet, considerably aided by a boat sent off from shore, the largest number of the men were saved, and but the seven persons aforementioned perished, whose bodies, though, it has as yet been impossible to recover.

"Of the engineers, the chief only was lost, the rest of the victims being of the crew of the vessel.

"So wretched is this day the condition of this port, which, barely ten years ago, was one of the safest in the world!"

In transmitting to Mr. Riotté (information of) this misfortune, which perchance might retard the solution of the problem of the inter-oceanic canal, I beg him to accept on the part of the President and of the undersigned the expression of their sincere sympathy.

Private letters state that Captain Chester Hatfield, commander of the *Kansas*, appointed as the second chief of the commission, has assumed its command, and that the work of exploration will be continued.

I am, &c.,

A. H. RIVAS.

[Inclosure 2 in No. 108.]

Mr. Riotté to Mr. Rivas.

UNITED STATES LEGATION, NICARAGUA.

Managua, April 23, 1872.

At this moment I had the honor of receiving your esteemed note of this day, containing the terrible news of the drowning on the 12th instant, on the bar of the port of San Juan del Norte, of Lieutenant-Commander Alexander F. Crosman, United States Navy, chief of the United States exploring commission, and seven men.

I beg Mr. Minister Rivas to convey to His Excellency the President of the republic, and to accept for himself, the thanks of the undersigned for the kind expression of their sincere sympathy.

I deem it proper on this sad occasion to raise to-day the flag over the legation at half-mast, and I would venture to suggest to this government, in token of the public sorrow for the untimely death of these brave men, who perished on a foreign shore in the performance of a duty, the fruits whereof are destined to redound to such eminent degree to the benefit of this republic, to issue order that the same be done with the national flag before the military quarters. I would also respectfully request that orders be given to the authorities at the said port, in combination and accord with the United States commercial agent there, to procure for the bodies as recovered a decent burial at a proper place.

I avail myself, &c., &c.,

C. N. RIOTTE.

[Inclosure 3 in No. 108.—Translation.]

Mr. Rivas to Mr. Riotté.

MANAGUA, April 25, 1872.

Consequent to the esteemed dispatch of Mr. Minister Riotté, of the day before yesterday, the necessary orders have been issued to the end that whenever the body of

the unfortunate chief of the exploring commission, and those of the others drowned, on the 12th instant, on the bar of San Juan del Norte, should be found, they shall be properly buried, with all consideration due to his rank and to the circumstances under which they perished.

From the well-known good breeding and the activity of General Urtecho, governor-intendant at that port, not less than from the lively interest he takes in a favorable result of the labors of the commission, the government doubts not that said chief will have known to comply with the sacred duties imposed upon him under the lamentable circumstances by civilization, as well as by the respect and consideration due by Nicaragua to the people and to the Government of the United States, by paying due homage to the remains of those who died while engaged in one of the greatest works of civilization, the immense benefits whereof must directly reap to the people of Nicaragua.

In transmitting, &c., &c.,

A. H. RIVAS.

No. 354.

Mr. Riotte to Mr. Fish.

[Extract.]

No. 111.]

UNITED STATES LEGATION,
Managua, May 10, 1872. (Received June 19.)

SIR: I have the honor of advising you that Commander Chester Hatfield, commanding United States interoceanic canal exploring expedition arrived here yesterday, and is stopping with me at the legation. To-day at 12 o'clock m., by appointment, I presented him to President Quadra, who, together with two of his ministers, received him with the utmost cordiality, conversed with him through my instrumentality, for over half an hour, and sent this evening the military band to serenade him. I was happy to learn from him that the work is going on already successfully, one party being engaged in the survey of the delta of the San Juan River, another upon the trajet Sapoa River, Salinas Bay, (the Belly line,) and a third one upon Colonel Childs's line, (Las Lajas-Brito.) The sanitary condition of all the members of the expedition is excellent, not one of them being so much as unwell.

Captain Hatfield seems quite sanguine of success in finding, within the territory of this republic, not only a feasible but a good and not overdifficult line for an interoceanic canal.

* * * * *
I have, &c.,

C. N. RIOTTE.

PARAGUAY.

No. 355.

Mr. Stevens to Mr. Fish.

No. 5.]

UNITED STATES LEGATION,
Montevideo, August 8, 1872. (Received September 20.)

SIR: By your dispatch No. 3, March 8, 1871, relating to Paraguay, I was directed, if not incompatible with the public service, to bear the communication of President Grant to Asuncion, and deliver it in person to the President of Paraguay. At the date of the reception of your communication, the interests of the public service would not permit

me to leave Montevideo, as indicated by my dispatch No. 4, dated May 8, 1871, in which I stated that I had safely forwarded the President's communication to Asuncion, accompanied with the promise to visit Paraguay as soon as my presence could be spared from this legation. The exigency of the public service permitting it, July 5, I left Montevideo in the United States steamer Wasp, and, after a passage of nineteen days, arrived at Asuncion. On our upward transit we stopped at Colonia, Uruguay, where citizens of the United States have valuable property interests, at Nueva Palmira, Rosario, Parana, Rincoia Loto, and Corrientes, it being the opinion of the commander of the South Atlantic fleet and myself that due regard to the interests of the United States requires an occasional visit by a United States naval vessel at the important commercial points on the Rio de la Plata, the Parana, and the Paraguay.

Our reception at Asuncion was most cordial, even highly enthusiastic, as creditable to the people and authorities of Paraguay as honorable to the Government of the United States. Calling on President Rivarola, I asked him to consider the reception of the communication of President Grant, forwarded by me from Montevideo, by mail, some weeks previously, as though borne by me in person. To this he signified his assent in a manner alike appropriate and emphatic. The next day after our arrival, the President, accompanied by his cabinet, all the members of the supreme court, the presiding officers and the leading members of the two houses of congress, and other officials, visited me on board the Wasp, and received the customary naval salute. On the following day the President provided a special train and he and other members of the government earnestly solicited me to take a trip into the country, to the extent of the Paraguay Railroad, forty-five miles. This invitation being tendered to me as an agent of the United States, it was accepted, and the day was consumed in viewing the rich and varied natural resources of the country to the extent that our transit would allow.

The evening before our departure from Asuncion the President wished to express his special regard to the United States Government by giving its humble representative an "official ball," which, in its appointments and methods, was as surprising to me and the officers of the Wasp as it was unusually attractive to intelligent gentlemen of other countries who chanced to be in Asuncion. The flags of the United States and Paraguay were intertwined in the central positions of the President's parlors, between those of Brazil and the Argentine Republic. During our stay in Asuncion everything possible was done by the Paraguay authorities to show their appreciation of the sympathy of the United States in first recognizing them by a diplomatic agent under the new form of government, adopted after the fall of Lopez. Words of mine are inadequate to express the intensity of the national gratitude and hope which the government and people of this sadly-afflicted land now cherish toward the Government and people of the United States, whose encouraging voice and example are so valuable to them. Within the past ten months very perceptible improvement has been made in Paraguay affairs. Of the startling piece of history which transpired between 1865 and 1870 I need not speak. In that terrible struggle it is supposed that nearly four hundred thousand of the inhabitants of Paraguay perished, and the country was stripped and desolated to an extent that nothing in the century bears a parallel. But the soil and climate are so favorable, that one year's productions have supplied a large proportion of the necessities of food. It is expected that the

present year will double the products of 1870, and thus fully supply the immediate wants of the population.

The national feeling is still strong, though emphatically adverse to its former methods of government. It has adopted a constitution highly liberal and republican, drawn largely from that of the United States, and from several of our State constitutions. Its leading men are comparatively young, a fair proportion of them intelligent, and quite a number of them of European education, though natives of Paraguay. They have cast aside the showy forms and gilt emblems which too much prevail in South American countries, and are earnestly solicitous to adopt the methods and simple governmental forms of the United States. They have established the Massachusetts school-system, with a compulsory law for the attendance at school of all children between the ages of five and twelve years.

But one fear heavily weighs upon them, and makes their future cloudy—the fear that the engagements and policy of the allies are hostile to Paraguayan nationality. The allies made war with the avowed purpose of overthrowing Lopez, and not for the destruction of the Paraguayan people and nationality. Their avowed object has been accomplished. The Lopez despotism is no more. Its military armament is totally destroyed; its fleet and arsenals seized or blown up; its fortifications have been demolished; its eight hundred pieces of cannon have been entirely taken from the country, leaving Paraguay not even enough to fire a national salute. Its towns were sacked, and nearly all movable property taken. Paraguay is powerless for attack or defense. In her new constitution it is expressly stipulated that its rivers shall hereafter be free, thus putting an end to the controversy which was one of the ostensible reasons of the war on the part of the allies.

The allies have still on its territory a force of about four thousand troops, and Brazil has a fleet of ten or twelve war-vessels in its harbors. So completely was government and society disrupted by the war, that it was doubtless wise that for a time the allies should retain a military force in the country. But the period is not distant when this foreign occupancy should cease. The final treaty of peace has not been signed, nor does Paraguay yet know to what terms she is to be asked to submit. But in addition to what she has suffered from the cruel despotism of Lopez and the overwhelming force of his enemies, she fears that her territory is to be curtailed, and the war-debt of the allies, nearly four hundred millions of gold dollars—far more than the entire country is worth—to be saddled upon her. Perhaps some of her fears are groundless. But the people and government of Paraguay think they have just reasons for their apprehensions. In two confidential interviews with me, the President expressed his fears, and asserted the great value of the moral support of the United States Government, and, through me, solicited the friendly offices of President Grant in behalf of the republic of Paraguay. Carefully avoiding the expression of opinions and remarks which could in any way be construed as at variance with the long-established policy of the United States in respect to the affairs of other countries, I so far responded to his wishes as to agree to communicate his request to President Grant, for his friendly offices with the Brazil and the Argentine governments. I assured President Rivarola that I would confidentially bear his request to the President of the United States, so much as is contained in the following terms:

The President of the republic of Paraguay asks the President of the United States to solicit the governments of Brazil and the Argentine Republic to be liberal in its treaties and policy in respect to the nationality and territory of the republic of Paraguay.

I consented to be the medium of no request other than expressed in the above general terms. Indeed, the Paraguayan President expects none other than this moral encouragement from the United States, and he believes that it will be effective if given in the above form without delay.

Brazil has already far more territory and resources than she is likely to improve for several centuries to come, and the Argentine Republic is likely to have enough within its present boundaries to employ its energies for a long period in the future. It cannot be inimical to the welfare of those nations to allow the Paraguay survivors their own territory as the field for the reconstruction of Paraguayan nationality.

I may be allowed to express the opinion that now is a very auspicious time for President Grant to perform the friendly office for Paraguay which she solicits. Señor Paranhos, reputed to be the ablest statesman of Brazil, is now at the head of foreign affairs, having recently returned to that position which he occupied when Brazil gracefully changed its position in respect to the passage of a United States war-vessel and minister through the "allied lines," his predecessor having maintained an unfriendly attitude, while Paranhos assented to the views of Secretary Seward. There are reasons to believe that Paranhos is more wisely disposed toward Paraguay than other of the monarchical statesmen of Brazil, and there are equally strong reasons for the opinion that the present executive of the Argentine Republic, who looks to the United States as his model in all things, would favorably receive a solicitation from President Grant in behalf of Paraguay. Whatever is to be done in the premises, if anything, must be done at once, or it may be too late.

Believing that an earnest word from the President in behalf of a weak and struggling people will be courteously received by the Brazilian and Argentine governments, and perhaps proof effective to the end desired, I hope not to have gone beyond the limits of propriety in the expression of views in the terms of this communication.

I have, &c.,

JOHN L. STEVENS.

No. 356.

Mr. Fish to Mr. Stevens.

No. 5.]

DEPARTMENT OF STATE,
Washington, October 5, 1871.

SIR: I have received your dispatch, No. 5, of the 8th of August last, and have read with much interest the gratifying statement which it contains of the political prospects of a sister republic. The wish of the President for the future of Paraguay, and that the exactions of the governments of Brazil and the Argentine republic in respect to her nationality and territory may be moderate, will be informally communicated to the representatives of those powers.

I am, &c., &c.,

HAMILTON FISH.

P E R U .

No. 357.

Mr. Settle to Mr. Fish.

No. 11.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 22, 1871. (Received October 14.)

SIR: I have had occasion in a former dispatch to speak in high terms of President Balta. He has recently given additional evidence of his patriotism and earnest desire to maintain law and order in Peru. I am credibly informed that, during the past week, he requested an interview with the three most prominent of the five presidential candidates, and it is understood that, in response to his appeals, a compromise was effected by which two of the candidates are to withdraw from the contest, thus securing a peaceable election, to be followed by a peaceable administration for the next four years. This solution of the presidential difficulty is highly creditable to all concerned. In Arequipa there have been riots between the partisans of Echenique and Ureta, which resulted in bloodshed; but by this happy arrangement all parties will be united, and every one reassured of the stability of the government.

In Lima it is believed that the compromise (the basis of which has been arranged) will result in the election of Manuel Pardo, who, without intending any disparagement of the other candidates, I have no hesitation in pronouncing one of the ablest men in Peru. He is a man of liberal comprehensive views, and one of the chief promoters of internal improvements.

President Balta's term does not expire until July, 1872. I believe that it is now his highest ambition to pass the government over to his successor in a prosperous condition.

I have, &c.,

THOMAS SETTLE.

:

No. 358.

Mr. Settle to Mr. Fish.

No. 14.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 12, 1871. (Received October 30.)

SIR: I had the honor to inform you by the last mail that President Balta had taken steps to induce the three most prominent candidates for the presidency to come to some arrangement, by which the country might be saved from the disgraceful scenes which usually attend elections in Peru.

I regret that I now have to inform you that his negotiations served no useful purpose other than merely quieting the public mind for a few weeks, and that there is now a very general belief that the election which takes place on Sunday, the 15th instant, will be conducted in a very riotous manner. The system of opening the polls seems to me to be the best-devised scheme to provoke a riot that could be imagined.

The judges of the previous elections open the polls for a short time, (half an hour, I understand,) and then a count is made, and the friends of the successful candidate at the primary election become the judges of the general election. Of course not one in fifty of the voters can deposit their ballots in half an hour, and as each party deems it of the utmost importance to secure judges favorable to its own views, there is a great rush for the tables at these primary elections, which, naturally enough and usually, results in a general street-fight. At present I apprehend nothing more than street-fighting between the supporters of the different candidates. I do not believe there is any disposition to revolutionize the government while President Balta's term continues. But there is evidently great excitement, and all parties are well armed with revolvers; and if the military should be called in to quell a riot, it may be denounced as an interference in the election, and even lead to a revolution in the government. I shall be most agreeably disappointed if the next week passes without serious trouble.

I have, &c.,

THOMAS SETTLE.

No. 359.

Mr. Settle to Mr. Fish.

[Extract.]

No. 15.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 20, 1871. (Received November 18.)

SIR: As was anticipated, the election for President, which commenced on the 15th instant, was opened in a riotous manner. The supporters of Pardo surrounded the tables at a very early hour, and when the friends of Echenique approached a general firing with revolvers from both sides took place, in which several were killed and many wounded. It soon became apparent, however, that the friends of Pardo had the advantage, and the Echenique party retired. The polls for the momentary election (as it is called) were kept open until 2 o'clock on Sunday for judges of the permanent election. On Monday the newly-elected judges, all of whom were supporters of Pardo, organized and received from the government the books of registration, and proceeded to receive votes.

The election continues for one week. On Tuesday the friends of Ureta opened tables on their own account, and were proceeding to take votes when the friends of Pardo assaulted and dispersed them and destroyed their tables. This led to a proclamation from the government, in which it was declared that any party might erect tables and receive votes, and that they should be protected by the military. So that we now have tables for each candidate, and doubtless it will be claimed that five different electoral colleges have been chosen, who in their turn will probably choose five different persons for President. This will carry the election to congress, which does not assemble until the 28th of July, 1872. But as one-third of the members of the next congress are also chosen for six years by these same electoral colleges, it is probable that five sets of congressmen will present credentials, and it may be that Lima will lose her representation altogether, as she has for many years, on account of her elections having been declared null and void by congress.

The same disorders attended the elections in Callao, and, as I learn in many other parts of the country.

I think there were some fifteen or twenty persons killed in Lima and Callao, and many more wounded. Fortunately the rioting was confined principally to the supporters of Pardo and Echinique, and did not result in violence to foreigners or others who remained away from the scenes of action. The places heard from indicate a majority for Pardo. At this time everything is quiet, and the different partisans will proceed with their respective elections until next Sunday, when the polls will be closed.

It is not probable that any further disturbances will take place until after the action of congress next August. * * *

I have, &c.,

THOMAS SETTLE.

No. 360.

Mr. Settle to Mr. Fish.

No. 16.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 13, 1871. (Received December 15.)

SIR: Since my last dispatch, No. 15, dated the 20th ultimo, several new phases of the political problem in Peru have appeared. On the 3d instant the President issued an address to the nation, stating that the disorders attendant upon the elections gave rise to a well-grounded fear that the contest would continue to be subversive of peace and good-order, and strongly recommending the electoral colleges to leave all pre-conceived prejudices upon one side, and cast their votes for a new candidate, of whose honesty and ability the government was satisfied.

The President then proceeded to name Doctor Antonio Arenas, a prominent lawyer and statesman, in this capacity. There can be no doubt that the interests of Doctor Arenas are identical with those of General Echenique, since the latter immediately published a manifesto, resigning all of his claims to the presidency in favor of Doctor Arenas. In this view, the partisans of Messrs. Ureta and Pardo are loud in their protestations against the action of the government in proclaiming an official candidate, and lending its force toward his election, while their efforts in favor of their respective favorites are apparently redoubled.

The question presents a more unfavorable aspect than before, since now the government has openly assumed a leading part in the contest. Congress, as I remarked in the dispatch already alluded to, will doubtless be the arbitrator, if arms are not appealed to before the meeting of that body, and it is extremely difficult to form any speculation as to the result. I greatly fear that the present threatening appearances will lead to serious difficulty.

I am, &c.,

THOMAS SETTLE.

No. 361.

Mr. Settle to Mr. Fish.

No. 17.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 20, 1871. (Received November 20.)

SIR: Since my last dispatch, No. 16, the only event that has occurred here possessing political importance was the meeting of the electoral colleges on the 17th instant. As each candidate was supported by a distinct college, no result was arrived at that might have been considered definitive, and the decision as to the legality of the proceedings will be made by the congress of July next.

Mr. Pardo, one of the presidential candidates, was chosen as an elector, and also as a deputy from Lima to congress.

I am, &c.,

THOMAS SETTLE.

No. 362.

Mr. Brent to Mr. Fish.

No. 22.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 13, 1871. (Received January 15.)

SIR: I beg to call your attention to the accompanying translation of a letter from General Echenique, addressed to an elector of the republic, and published by the newspaper *El Comercio*. Its authenticity is undoubted. This is the only event of political importance that has taken place since my last dispatches of November 28, and the revelation of General Echenique's true position with the government has very considerably contributed to the probabilities of Mr. Pardo's success.

I am, &c.,

H. M. BRENT.
Chargé d'Affaires ad int.

[Inclosure.—Translation.]

POLITICS UNMASKED.

LIMA, November 7, 1871.

MY DEAR SIR: The government, aware of the dangers now threatening us, has determined, with my approbation, to propose as an official candidate Doctor Antonio Arenas, who may be considered as myself. Relinquishing my personal pretensions, and perceiving that this is the only means of securing the triumph of our cause, I sacrifice my name thereto.

All the authorities have been ordered by the government to insure the victory of the new candidate, and I rely upon you, without loss of time, to enter into an understanding with the governor of your department, in order to commence your important efforts toward the furtherance of our principles.

JOSÉ RUFINO ECHENIQUE.

[NOTE BY THE EDITORS.—The original of this letter is in our possession, but we deem it prudent not to publish the name of the person to whom it was addressed, lest he might incur the anger of the government officers.]

No. 363.

Mr. Brent to Mr. Fish.

No. 32.]

LEGATION OF THE UNITED STATES,
Lima, Peru, March 12, 1872. (Received April 2.)

SIR: During the past month the political situation in Peru has materially changed. Don Manuel Pardo, a short time since apparently the most powerful of the presidential candidates, is now eclipsed by the favorite of the government, Doctor Arenas. This is due to three causes: first, the active interference of the government agents throughout the country in Doctor Arenas's behalf; second, the establishment of the new national bank of Peru by Messrs. Dreyfus Brothers; and, third, to the change from *viva-voce* voting to balloting, adopted by the standing committee of congress in the election of senators and representatives for the legislature of July next.

Messrs. Dreyfus & Co., it will be remembered, are the financial agents of the government, and even now have almost entirely monopolized the export and sale of guano. The interests of the government are therefore identified with their house, and Pardo was the chief of the opponents to Dreyfus in the guano contract. In the bank referred to the government appears as a shareholder for two millions of soles, Dreyfus taking four millions. Eight millions of stock were offered to the public, and in Lima alone, in ten days, more than twenty millions were subscribed for. This clearly shows the desire of the people for a continuance of peace and tranquillity, and the government thus possesses an arm against which it is thought Mr. Pardo's most vigorous efforts will fail.

The question of balloting has proved that some of the members of the permanent committee have thought proper to change positions, and wish to conceal their present sympathies.

The senators and representatives now to be selected choose, in their turn, the President of the republic at the next session of congress.

As nearly every district in Peru is contested, it is not difficult to foresee that the supporters of the government will be qualified.

It is satisfactory to add, however, that the republic is at perfect peace, and that, at present, no fears of revolution are entertained.

I am, &c.,

H. M. BRENT,
Chargé d'Affaires ad int.

No. 364.

Mr. Brent to Mr. Fish.

No. 37.]

LEGATION OF THE UNITED STATES,
Lima, Peru, June 6, 1872. (Received July 3.)

SIR: As was expected, the election of the President of Peru will have to be decided by congress.

The electoral returns sent in to the standing committee of congress are most conflicting, each candidate having his own electors in every city and village in the country. Hence, in the preliminary meetings of congress, about the 15th of next month, special committees will be appointed to determine regarding the relative legality of the returns and declare the victor. But it is surmised that the legislature will, in view

of the difficulties of the situation, resolve to consider the elections as null and void, and call for others. In this case a provisional president would be named by congress, some person, in all probability, friendly to the present administration. Mr. Pardo's adherents threaten revolution in this event, but the government is too powerful to be overcome. The ranks of the army are full; the regiments are officered by President Balta's protégés, and, more than all, the popular feeling is opposed to any departure from the actual state of prosperity and advancement. I venture to predict that if any revolt is attempted it will speedily be suppressed.

The railways and other public works inaugurated by Colonel Balta are proceeding rapidly toward completion. A large loan has recently been negotiated by the government in the London money market, on rather advantageous terms, the minister of finance endeavoring to imitate the example of the Treasury of the United States in funding some of the former debts of the republic, and in establishing a uniform rate of interest on the others.

The country is now at perfect peace, and it certainly would appear that a continuance of tranquillity is the will of the majority of its inhabitants.

I have, &c.,

H. M. BRENT,
Chargé d'Affaires ad int.

No. 365.

Mr. Thomas to Mr. Fish.

No. 2.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 26, 1872. (Received September 16.)

SIR: A brief and succinct narrative of the very important events which have occurred in Peru since the 22d instant will be interesting to the Department, and becomes the duty of this legation to transmit.

In Mr. Brent's dispatch, No. 37, dated the 6th of June last, it was stated that the intricate election returns from throughout this republic, tending toward the selection of a President, would have to be decided by the congress assembling in Lima, on the 15th of the present month, in preliminary session. The candidates were Dr. Arenas, the favorite of the government of President Balta, and Mr. Manuel Pardo, the champion of the opposition. It appears that the influence of the administration was not so great as President Balta had imagined, and on the assembling of congress and discovery that the majority of that body were in favor of Mr. Pardo, he determined to abandon all of the proposed plans toward annulling the elections, calling for others, and meanwhile appointing a provisional president, and instead, desirous of preserving tranquillity and the progressive movement of the republic, resolved to quietly resign the reins of power into the hands of the legitimate successor to the presidency, to be declared, on the 28th of July, by congress assembled. But to this General Gutierrez, his minister of war, refused to consent, and, finding Colonel Balta inflexible in his resolve, suddenly took the President prisoner, sent him to a military barracks, and declared himself supreme chief of Peru. His secretary in chief, Dr. Casas, sent me a circular note, (inclosure No. 1,) to which I replied, (inclosure No. 2.) * * Congress was dispersed by the new chief-tain at the point of the bayonet, after the members, irrespective of

party, had signed a protest declaring Gutierrez and his advisers out-laws and liable to any extreme punishment. The diplomatic corps called together the dean, the papal delegate, and agreed, in the protocol, that they only recognized General Gutierrez as a *de facto* ruler, and simply that with the object of securing some protection for the lives and property of the citizens or subjects under their respective charge. The army appeared in a measure faithful to Gutierrez, but some revolts have occurred up to the present time, (July 25,) which have given rise to serious alarm in the ranks of the new direction of public affairs. Mr. Pardo and other prominent citizens sought refuge in different legation, or on board of some of the Peruvian vessels of war. The navy *en masse* refuse allegiance to General Gutierrez. The popular opinion is certainly opposed to this usurpation of the government.

While writing this sentence, the news reached me that President Balta, in his prison, was assassinated at 12 o'clock to-day (the 26th) by order of Gutierrez, the dictator. This act, it is supposed, was induced by the shooting of a brother of Gutierrez by the people this morning. Popular indignation immediately rose to a great degree of intensity. The dictator, seeing his few friends forsake him, took refuge with a few soldiers in the fort of Santa Catalina, within the city limits. Colonel Herencia Zevallos, the first vice-president under the Balta administration, immediately entered the government house, and assumed command of the republic. He will call congress to again convene, the inspection of electors will continue, and Mr. Pardo, now without an opponent, will be proclaimed President by that body. On the 2d of August or thereabouts, Colonel Zevallos resigns the reins of office into the hands of Pardo. The condition of affairs was rapidly improving; the people, although without arms, were determined to crush out an odious despotism, and to assert their liberties and rights. No other cry was heard but that of "Viva Pardo, the defender of the people." At about 9 o'clock the same evening, Gutierrez, convinced of the hopelessness of his cause, endeavored to escape from Santa Catalina, but was discovered by the people, slain, and mutilated in a terrible manner. His naked body and that of his brother were suspended from the high towers of the great cathedral, as a witness to the popular power.

Immediately after this occurrence, and the enemies of peace were routed, perfect order was restored, the people retiring to their homes, confident that from the utility of the lesson given to aspiring men, their constitutional guarantees would be strictly observed. This may be considered as the end of military rule in Peru, and admiration must certainly be conceded to a people who rise *en masse* to overthrow tyranny, restore the legal institutions of the country, and then quietly disperse to their occupations.

I trust my position in this matter will meet with the approval of my Government.

I have, &c.,

FRANCIS THOMAS.

[Inclosure 1 in No. 2.—Translation.]

Mr. Casas to Mr. Thomas.

[Circular to the diplomatic corps resident in Lima.]

GENERAL OFFICE OF HIS EXCELLENCY THE SUPREME CHIEF OF THE REPUBLIC,
Lima, July 23, 1872.

Mr. MINISTER: On yesterday, General Thomas Gutierrez, moved by the impulse of patriotism and in accordance with the unanimous desire of the people, deemed it to be

his bounden duty to inaugurate the new political situation of the republic. In this arduous and difficult task the supreme chief is aided by the army, the navy, and those citizens desirous of the good of the country based on morality, economy, and correct administration. Therefore your excellency will perceive, from the inclosed proclamation, that his excellency General Gutierrez has assumed the supreme command of the republic, with the title of supreme chief.

His excellency hopes to cultivate with your Government the most perfect friendship and consideration; he hopes to again assert that good faith which Peru has always demonstrated toward foreign nations, and he flatters himself that, in this task, he will be aided by your powerful co-operation.

As far as relates to myself, I can assure you, Mr. Minister, I will always be most happy to serve you, either officially or extra officially, whenever your excellency has occasion to address the new government.

I have, &c.,

F. CASOS.

[Inclosure 2 in No. 2.]

Mr. Thomas to Mr. Casas.

LEGATION OF THE UNITED STATES,
Lima, Peru, July 25, 1872.

The minister of the United States of America has had the honor of receiving a circular addressed to the diplomatic corps resident in Lima, by Doctor Casas, Secretario-General de la S. E. el Jefe Supremo de la Republica, in which the minister is informed that his excellency General Thomas Gutierrez, on the 23d instant, assumed the chief command of the republic, with the title of supreme chief.

The policy of the Government of the United States is well known in changes of this nature, and the minister finds himself obliged to place the circumstances before his Government in Washington, and to await instructions from thence before he can officially recognize the new condition of affairs in Peru.

The minister begs to assure Dr. Casas, &c.

FRANCIS THOMAS.

No. 366.

Mr. Thomas to Mr. Fish.

No. 4.]

LEGATION OF THE UNITED STATES,
Lima, August 20, 1872. (Received September 18.)

SIR: During the disturbances in Callao, on the 25th of July last, while Gutierrez was endeavoring to maintain his dictatorial power, the American consulate was wantonly fired into by troops engaged in his cause, and American officers proceeding to their boats were made the objects of an equally unprovoked attack.

In reply to an energetic remonstrance and request for explanations which I addressed to this government, the minister of foreign affairs lost no time in assuring me that steps had already been taken to bring the offenders to trial and summary punishment, and that his government sincerely deplored these outrages perpetrated in the abnormal period by some evilly-disposed persons, but that the Peruvian government did not consider itself responsible for such acts committed at such a time.

In my reply to the minister, after thanking him for the readiness of his government to submit the culpable persons to the action of the law, and to subsequent punishment, I took occasion to inform him that I distinctly differed from him in opinion, and that I hold the Peruvian nation responsible for any such outrages committed by the officers of a *de facto* government, or by their orders.

At the same time, however, I remarked to the minister that I saw no necessity at this immediate moment for entering into a discussion on this point.

I have, &c.,

FRANCIS THOMAS.

No. 367.

Mr. Hale to Mr. Thomas.

No. 8.]

DEPARTMENT OF STATE,
Washington, September 26, 1872.

SIR: Your dispatch No. 2, under date of July 26, relating to recent political disturbances in Peru, has been received.

The indignation of the people of Peru at a cruel assassination and an attempted usurpation and overthrow of a representative government commands admiration, and their calm return to order gives promise of a stable condition of public affairs.

Your reply to the circular-note of Doctor Caso's is approved.

I am, &c.,

CHARLES HALE,
Acting Secretary.

R U S S I A .

No. 368.

Mr. Schuyler to Mr. Fish.

No. 150.]

LEGATION OF THE UNITED STATES,
St. Petersburg, January 30, 1872. (Received Feb. 22.)

SIR: I have the honor to inclose to you a copy of the budget of the Russian Empire for the year 1872, with the accompanying report of the minister of finance. Although the estimated expenses exceed those of the last year by nearly thirteen million rubles, yet, for the first time in the recent financial history of Russia, the budget shows no deficit, but a surplus of 384,221 rubles. Though this surplus is very small, yet it is a favorable symptom, and has caused all Russian securities to rise in the foreign markets. It is to be hoped that the expectation of a surplus will be more than realized in the actual working of the financial year. In the year 1870, the accounts for which have just been made up, there was, in spite of unusual extra expenditure, a deficit of nearly five millions less than was anticipated. The foreign commerce of Russia has more than doubled in the past ten years, being, in 1860—

	Rubles.
Exports to Europe.....	168,031,587
Exports to Asia.....	8,433,243
Imports from Europe.....	138,181,746
Imports from Asia.....	13,085,866

and in 1870—

	Rubles.
Exports to Europe.....	351, 578, 553
Exports to Asia	8, 379, 234
Imports from Europe	315, 407, 400
Imports from Asia.....	20, 510, 011

making the total trade in 1860 equal to 317,732,442 rubles, and in 1870 to 695,875,198 rubles. This last year the trade is said to have been much larger, but the exact figures are not yet known. At all events the exportations have been so very great that exchange on England is better for Russia than it has been for many years.

I am, &c.,

EUGENE SCHUYLER,
Charge d'Affaires ad. int.

No. 369.

Mr. Schuyler to Mr. Fish.

No. 154.]

LEGATION OF THE UNITED STATES,
St. Petersburg, February 11, 1872. (Received March 11.)

SIR: The session of the diet of the grand duchy of Finland, the third since the union of that country to Russia, began on the 1st of February, with the usual religious ceremonies, in the cathedral at Helsingfors. After this the various representatives of the nobility, the clergy, the burghers, and the peasants took the oaths, and on the 6th Count Adlerberg, the governor-general, read the speech from the throne, a translation of which I inclose, and declared the diet formally open for business. Addresses were then read, on behalf of the nobility and clergy in French, and on behalf of the burghers and peasants in Swedish. The rules for the diet and the list of subjects brought to its attention by the government were then promulgated both in Swedish and Finnish.

The propositions of the government are thirty-four in number, and relate to changes in the modes of judicial procedure, and in the city governments, to the sale of the state railways, and to various public works, and minor topics, but propose no radical reforms of any kind.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires, ad. int.

[Inclosure No. 1.—Translation.]

SPEECH OF THE EMPEROR AT THE OPENING OF THE DIET OF THE GRAND DUCHY OF FINLAND, THE 25 JANUARY, [6 FEBRUARY,] 1872.

REPRESENTATIVES OF THE GRAND DUCHY OF FINLAND: I am happy to salute your re-union in the present circumstances, so consoling in comparison with the privations that afflicted the country shortly after the close of your preceding session, when, tried by a general bad harvest, Finland, by the inscrutable will of Providence, suffered a famine, the like of which has never been remembered.

In a time of such cruel trials, public charity, with the warm devotion of Christianity, made touching and praiseworthy efforts to help these great misfortunes; but, notwithstanding the gifts received from abroad as well as those collected in the country itself, notwithstanding the aid in money and in kind allotted on the State funds of extraordinary assistance, the general exhaustion of all resources obliged the government to

conclude abroad a loan of 5,500,000 marks, destined for the purchase of grain for the subsistence of thousands of men, and for the spring seed. Unfortunately neither these measures nor the vast organization of public works could turn aside the sad consequences of the famine; cruel contagious diseases spread throughout the whole grand duchy, and the population, tried by such terrible sufferings, has been, to my great grief, perceptibly diminished in numbers.

In recalling these painful recollections, I give to God, with a lively gratitude for His goodness, and with the feeling of affection for my faithful Finnish people, ardent thanks, that He has willed to accord to this country, of late, sufficient harvests, which have appeased the sufferings of the population. Agriculture, commerce, industry, and private labor have revived; at the same time the economical situation of the treasury is so much ameliorated that not only have the revenues been sufficient for the expenses and for the needs of this loan, but have allowed the execution of enterprises and works useful to the country. The first rank among these works belongs to the railway which unites the capital of the empire to the chief city of the grand duchy, to the advantage of the mutual interests of commerce and industry, the operations of which bring the populations. This *rapprochement*, which contributes to the general progress, will certainly have the effect of gradually dissipating local prejudices, and consequently of strengthening the feelings of affection and union that I so sincerely desire to see spontaneously exist among the peoples united under my scepter.

As to the reform that I propose in the high bodies of state, I have ordered a modification, as a trial, of the mode of session of the senate, in order to accelerate the transaction of the affairs, always increasing in number, which are submitted to the deliberations of this body.

Considering the lack of success in the teaching of the Russian language in the schools, while the necessity for the knowledge of this language makes itself felt, not only in public careers, but also in the labors of private life, I have felt it my duty to order, simultaneously with the re-organization of the schools, the new introduction of the Russian language into the programme of obligatory subjects in the educational establishments.

The question of the application to the grand duchy of the general obligation of military service, the scheme of which I announced last year in a rescript to the governor-general, cannot be submitted to your deliberations, since this measure is not yet applied in the empire.

The new regulations on the diet and on the assemblies of the nobility determine in detail your sphere of action. The experience that you have acquired gives me reason to hope that you will successfully end your labors by the term indicated.

May your conscientious and zealous labors serve to the real good of the country, and contribute to strengthen the mutual confidence of the government and the people, and may the Almighty bless you in the accomplishment of this task.

I declare the session of the diet open.

(Signed by the hand of the Emperor:)

ALEXANDER.

No. 370.

Mr. Schuyler to Mr. Fish.

No. 157.]

LEGATION OF THE UNITED STATES,
St. Petersburg, February 18, 1872. (Received March 15.)

SIR: I have the honor to inclose you herewith translations of extracts from the *St. Petersburg Gazette* and the *Moscow Gazette* on the Alabama questions, which may be not without interest as expressions of Russian opinion.

I am, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad. int.

[Inclosure No. 1.]

Extract from the St. Petersburg Gazette, January 30, [February 11,] 1872.

This bitter journalistic controversy has excited the European political and financial world, and the telegraph informs us that the turn taken by the Alabama question has a sensible action on the great European money-markets. Many, who take for sound

coin the fanfaronades of the English newspapers, their speeches about war, and the sharp answers of the American journalists, consider a war between England and the United States as already inevitable. We do not share the views of these pessimists, being fully confident that the voice of reason will prevail with two nations so calculating and so little disposed to be carried away by passion as the English and North American.

The United States open themselves the door to England, through which it can honorably go without recourse to war. They declare that they will not change the contents of their case; that England has not the privilege of drawing up the case for each side; that they present those claims which they believe they have a right to present; but that then it depends on the arbiters to give the affair this or the other turn; and that they will willingly yield to every decision of the judges whom they have themselves chosen. We may consider the American demands just or unjust, but it is impossible not to admit that, in putting the present disputed question on such a ground, they are, in a juridical point of view, unconditionally right. No one can forbid the plaintiff from fixing the sum of his complaint, especially if the defendant has already admitted in principle his duty to pay the plaintiff; after that the inquiry into the rightfulness of the complaint depends no longer on the complainant, and still less on the respondent, but on the judges. The defendant can deny the rightfulness of the sum asked by the plaintiff by all means in his power, and no one deprives England of this right; but to declare that she will withdraw entirely from the court, and to prefer to have recourse to fighting only because the plaintiff has brought too great a sum in his complaint, is, to say the least, strange. So, we repeat, the method of action of the Americans appears to us thoroughly logical, and we are sure that the reasonableness of the American procedure will be acknowledged by the English themselves when the first burst of dissatisfaction has died out. In addition to this, the most influential American newspapers plainly declare that the Americans in presenting their claims never expected that they would be paid in full, and purposely made them as large as possible in order to get something less out of England. This system of asking too much may be thought strange, though it is quite natural, coming from such a commercial nation as America.

We may find this system not particularly praiseworthy from a moral point of view, but legally the United States are in the right, and, relying on the decision of the arbiters, they put the disputed question on the only rational ground, where, it may be hoped, the English will follow them. Let England show the tribunal of arbitration the impropriety of the American claims, about which there is now such a hue and cry, let her show the justice of her propositions, and then the arbiters, whom she herself has chosen, will of course decide in her favor, without any damage to her pocket or to her national honor. To withdraw from the presentation of the matter to the arbitration and to rush to arms would be stupid in the highest degree. We have too high an opinion of the political tact and good sense of the English people to suppose for a minute that the threats of war, of which the English newspapers are now full, could be realized. There is no doubt that America would suffer from such a turn of affairs, but England would suffer far more.

[Inclosure 2.]

Extract from the Moscow Gazette of February 4, [16,] 1872.

* * * The Geneva conference is the first serious attempt to arrange an important international difference by means of an arbitration, and therefore it would be a pity if it did not meet, but in any case its failure only leaves both sides in the position in which they were before the conclusion of the treaty. We, however, do not think that we should consider the arbitration as having finally failed. England knows that if she withdraws now from the treaty the Americans will become still more exigent, and in America the success of the administration of President Grant is bound up with these negotiations. The presentation of demands which were evidently unexpected by England, may perhaps be nothing more than a party maneuver. Lately in America there has been much talk that Mr. Fish was conceding and deferring too much to England, and these reports could not be without influence on the popularity of the whole Government; and this year, as is well known, there is a new presidential election. To assure the re-election of President Grant, it would be very apropos to show that his Government took as jealous care of American interests as the most ardent patriot of that democratic country. It is very noteworthy that in America they look at this question much more calmly than in England, and even wonder at the excitement there. It is also remarkable that this excitement and indignation has so far been shown only in words, and there have been none of the appearances usual in the moment of a political crisis. In all probability a compromise will soon be found which will allow of the settlement of the affair. There is already news from Berlin that the German Emperor has proposed his services for this end.

No. 372.

Mr. Schuyler to Mr. Fish.

[Extract.]

No. 163.]

LEGATION OF THE UNITED STATES,
St. Petersburg, March 11, 1872. (Received March 29.)

SIR : In conversation a day or two ago, Mr. Skimoonkhoff, the director of the Asiatic department, informed me that you had asked Mr. Sheikoff some questions concerning the trade in coolies by a vessel under the Russian flag, by means of a fictitious sale to a Russian subject; that Mr. Sheikoff had been unable at the time to answer your questions; and that he had been referred by the ministry to the existing regulations on these subjects.

Mr. Shimoonkhoff said that a vessel which had come into the possession of a Russian subject by a fictitious sale had no right to sail under the Russian flag, and forfeited Russian protection. He referred me to the Regulations of the Foreign Office. I inclose, marked A, a translation of those sections that seem to bear on this point.

Mr. Shimoonkhoff said, further, that by a declaration some time since the imperial government had forbidden the trade in coolies by Russian subjects and by Russian ships, under heavy penalties. This declaration was communicated to the Russian legation and to the Russian consuls in China, and they were instructed to use all their efforts to put a stop to the traffic.

* * * * *

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

[A.—Inclosure No. 1.—Translation.]

Extract from the "Regulations of the Foreign Office" of Russia. Division XXV.

§ 7. The right to raise the Russian merchant-flag, which belongs exclusively to Russian subjects, is extended—*a*, to Russian joint-stock companies, the direction and main office of which are within the limits of the empire; *b*, to trading firms, legally established, if one of the principal partners, with a right of signing for the firm, is a Russian subject; *c*, to persons building or buying a ship at their common expense, if the principal partner is a Russian subject.

§ 8. Permission to use the Russian flag can be given to foreign vessels only with the special consent of the Emperor.—(Commercial Code, Article 851.)

§ 59. Consuls are bound to see that a Russian subject does not become the proprietor of a merchant-ship together with one or several foreigners.—(Consular Regulations, Article 58.)

§ 31. If any one, in order to receive a patent for sailing under the Russian flag, present false documents, or sails under a Russian flag with a forged patent, he is liable to the punishment fixed in Articles 294, 975, 977, 1412, and 1690 of the Penal Code.—(Penal Code, Article 1217.)

(These punishments are exile in Siberia in different degrees.)

§ 32. If a Russian subject, from interested or other personal motives, allows a fictitious purchase of a foreign ship in his name, without having really any share in the acquisition of the ship, he is liable for this to imprisonment for a period of from two months to one year and four months; and a foreigner entering into such a bargain is liable, on his coming to Russia, to arrest, for from four days to three months.—(Penal Code, Article 1218.)

No. 373.

Mr. Schuyler to Mr. Fish.

No. 164.]

LEGATION OF THE UNITED STATES,
St. Petersburg, March 20, 1872. (Received April 11.)

SIR: I have the honor to inclose herewith a translation of a report made by a committee appointed by the Russian government to examine an invention by Lieutenant A. Davydoff, late of the Russian imperial navy, for the rapid and automatic firing of guns and batteries on ships of war. This committee consisted of some of the best officers in the Russian service, and in consequence of their favorable report the invention is to be applied to one of the large iron-clad ships of war during the coming summer for the purpose of practically testing it at sea.

I was present at a trial of the apparatus, and found it to work perfectly in every detail. The general mode of operation was explained to me, though some of the details were kept secret.

The present system of firing is disadvantageous, because the short interval elapsing between the determination of the distance and the firing is enough to destroy the aim on account of the movement of the vessel. The difficulty of aiming is very great on account of the short time allowed for it and the narrowness of the port-holes; and the firing is not at the order of the commander who can see best, but at the disposition of the captains of guns who cannot fix the favorable moment. The difficulties of a concentrated fire are still greater.

The main idea of Lieutenant Davydoff is that he takes advantage of the rolling of the vessel, which is the great obstacle to the success of other modes of firing, and by an electric apparatus the guns fire off themselves the moment the right elevation is attained. The distance of the object is first determined and the guns are pointed at the proper angle, after making allowance for the angle of the rolling of the vessel. The moment the vessel rolls back so as to bring the guns right, the firing takes place.

Lieutenant Davydoff claims for his apparatus the following advantages:

1. The moment of firing corresponds perfectly with the moment of the vertical or horizontal aim.
2. The putting the guns in position no longer depends on external considerations, such as rolling, pitching, &c.
3. The fire is at the order of the commander of the vessel, who can order at will general or partial discharges.
4. The working the ship during the fire becomes easier.
5. The conjunction of the vertical and horizontal aim is the essential condition of correct firing, and this is only possible by means of this apparatus.
6. The number of men required to work the guns is less.

The automatic system of Lieutenant Davydoff consists of the following apparatus:

1. An apparatus for breaking the electric current at the moment of the necessary angle of elevation of the gun.
2. An automatic arrangement for igniting the charge at the necessary moment for exact firing.
3. An apparatus serving as a mathematically exact regulator of the electric current.
4. An arrangement giving the captain the full power to make every shot at will, either singly, in regular order, or by broadside.

5. An apparatus for keeping in a horizontal plane the trunnions of the guns at every moment, desired in time of battle, during every roll, notwithstanding any irregularity in the position of the deck.

6. An apparatus for producing an exact fire, not only during the pitching, but the combined pitching and rolling of the vessel.

7. An apparatus giving the possibility of showing momentarily and uninterruptedly to the helmsman all the demands of the artillery at every moment of the battle, and in such a way as to keep the trunnions of the guns in a horizontal plane on the object aimed at, as well as to maneuver the vessel.

It is to be remarked that the use of this apparatus by no means prevents aiming and firing in the ordinary way, if there should be occasion, on account of injury to the apparatus, or for other reasons.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

[Inclosure No. 1.]

Extract from the report of the committee on the apparatus invented by Mr. Davydoff for the automatic firing of guns on board ships of war.

The proposition of Mr. Davydoff relative to the introduction, on the vessels of the fleet, of the automatic apparatus invented by him for firing artillery, was examined by the committee in three respects:

1. Does the proposal meet the demands of present circumstances, and does it really avoid the defects of existing modes of firing?

2. Does the proposed apparatus attain its aim, and can it satisfy all the demands of naval artillery fire? And

3. Does the construction of the apparatus correspond to the conditions under which it will be placed on board ship, and does it afford a guarantee that its action will be the same under all possible circumstances?

The data for this examination were afforded by an explanatory memoir by Mr. Davydoff, by a careful and detailed investigation and trial of the working of the apparatus by the committee, and by the personal explanations of Mr. Davydoff.

The whole apparatus constructed by Mr. Davydoff is distinguished, in the opinion of the committee, by an extraordinary elaboration, a rational construction, a satisfactory execution, and a strict adaptation to the purpose and conditions of its working and use.

Each apparatus displays, in its construction, much talent and inventive power, and, as its basis, has always an original idea which has till now not been met with in the technical construction of apparatus of similar purpose.

Each apparatus has a strictly defined purpose, and, beginning with No. 5, which gives the possibility of placing and verifying the gun, notwithstanding the motion of the vessel, and ending with No. 1, which makes the vertical position of the gun, at the moment of fire, very exact, and quite independent either of the height or force of the rolling of the vessel, they weaken the various defects in the existing methods of firing, and that, too, in a degree that has until now been thought impossible.

In general it completely answers the very various conditions of firing at a mark not seen by the commander, and, notwithstanding that it is a new and still untried invention, notwithstanding that in it the galvanic current has, for the first time, such a broad application, thanks to which the firing attains the highest degree of simplicity and regularity, notwithstanding all this, the system of Mr. Davydoff includes all the indispensable data, so that it is possible to say affirmatively that, if a further trial confirms the exactness of the results of apparatus Nos. 1 to 5, by their application to naval-artillery firing, all those results will be really attained which were stated at the beginning of this report, and this system really has a very important actual meaning for the navy.

Combining all the above considerations relative to the project of Mr. Davydoff into a general result, the committee has come to the following conclusion:

1. This system, in the construction and method of use of its constituent apparatus, fully satisfies its purpose, as well as all the conditions of naval-artillery practice.

2. Notwithstanding the very broad application in this system of the action of the galvanic current, and, as a result of this application, an extreme automatic power in

its use for artillery firing, this system possesses all the qualities for considering its introduction on ships of war fully possible, and without any serious obstacles as to its application.

3. On keeping the conditions set forth in the opinion with regard to the exactness of the indications of the apparatus, and the conditions of its use on board ship, it can really give the best results, which cannot be obtained by the methods now in use; and

4. With all its merits this system, being a wholly new invention and nowhere applied, has had no testing by actual use, without which a true conclusion with regard to it is impossible.

Therefore the committee, having in view that this system, if it is shown to be practicable, will have a great meaning and an important future, supposes it not only profitable, but even necessary, for a final conclusion with regard to the proposed system, to submit it to a preliminary, very strict, and serious trial on one of the iron-clad ships of the fleet, in the form that the inventor proposes to give it for actual application on vessels.

This trial ought to be as complete and many-sided as possible, so as to draw an unerring conclusion as to the exactness of the indications of the apparatus, and its qualities for use in artillery firing, and as prolonged as possible, so as to be assured that it would maintain its merit, not only under the normal conditions of practical artillery practice, but also in the special circumstances of a naval battle.

VICE-ADMIRAL ZELENOI.

LIEUTENANT-GENERAL DIMITRIEFF.

REAR-ADMIRALS POPOFF,

RIMSKI-KORSAKOFF,

STETZENKO,

SCHWARZ,

STAHL.

MAJOR-GENERALS PESTITCH,

MUSSELIUS.

CHIEF ENGINEER OF THE FLEET SELININOFF.

MECHANICIAN ALEXANDROFFSKY.

SUB-CAPTAIN TCHERNOFF.

No. 374.

Mr. Schuyler to Mr. Fish.

No. 166.]

LEGATION OF THE UNITED STATES,

St. Petersburg, March 25, 1872. (Received April 19.)

SIR: The Peking correspondent of the *Journal de St. Pétersbourg*, who is usually very well informed, and has access to sources of intelligence not open to all the world, in a letter dated January 27, gives an abstract of a very important treaty that has just been concluded between China and Japan. I learn that a copy of the treaty has been received here, at the foreign office, and that the abstract is correct in the main. Thinking that possibly you may not yet have seen this interesting document, I inclose, herewith, a copy of the letter from Peking, with an English translation.

As the correspondent foresaw, exaggerated commentaries and telegrams are already in circulation with regard to this treaty, and article 15 is said to be, that in case of war each power closes its ports to the ships of the nation attacking its ally. I am informed, on good authority, that this is not so, and that the version given here is the correct one. The beginning of intimate relations between these two great empires, who have so long kept aloof from each other, cannot but be a good sign.

I have, &c.,

EUGENE SCHUYLER,

Chargé d'Affaires ad int.

[Inclosure.]

[Special correspondence of the Journal de St. Pétersbourg.]

PEKING, January 15, [27,] 1872.

The two powers of the extreme East, China and Japan, have just concluded, after long negotiations, a treaty of friendship, the stipulations of which tend to establish relations which deserve all our attention.

What is most striking, at first, is that the two empires have treated on an almost equal footing, and the only article where the preponderance always claimed by China lets itself be shown, is that (article 6) which compels the Japanese to accompany their official correspondence with China with a Chinese translation, or to write in Chinese.

The first and second articles are, without dispute, the most interesting. They will probably be the subject of very exaggerated commentaries in Europe, and the principles of a defensive and offensive alliance against foreigners will perhaps be found there. The knowledge of affairs, however, acquired on the spot, leads us to believe that this is not so. The two powers have simply intended to protect themselves against reciprocal hostilities in case of a war between one of them and Europeans. This precaution has sufficient reason in the threats so often made by the foreigners at Peking and Yokohama, and in the numerous articles of the foreign newspapers in the open ports, which have loudly declared that Europeans would seek the alliance of one of these two powers against the other.

Up to its definite conclusion this treaty was kept profoundly secret to protect it against outside intrigues. The copy that we have seen had only the date of the 10th year of the reign of Tuntchji, (1871.) We know now that it was concluded in the first half of November; at least at this time the Japanese plenipotentiary had already left China.

On the side of China the negotiations were conducted by Li-hung-chang, governor-general of the province of Pé-tchi-li, and whose full title is as follows: "Li-hung-chang, extraordinary commissioner and plenipotentiary, charged with the affairs of commerce, *taï-tzy-tai-bao*, (tutor of the heir to the throne,) vice-chancellor, minister of war, governor-general of the province of Pé-tchi-li, decorated with the title of Baron, *sou-i*, (i. e., firm and valiant,) of the first class." The interests of Japan were intrusted to J-da, envoy extraordinary and minister plenipotentiary, dignitary of the second class, minister of finance.

The following is a summary of each of the seventeen articles of this treaty which inaugurates diplomatic relations between China and Japan:

Article 1 establishes that there shall henceforth reign between the two states, and between the countries which are subject to them, a perfect friendship and agreement. (Corea being in a certain degree a vassal of China, this article seems intended to guarantee it against Japan.)

Article 2 says, among other things, that if a foreign power commits an injustice or an act of contempt toward one of the contracting parties, the other party is obliged to interpose actively its good offices to re-establish peace and good understanding.

Article 3 forbids the two governments to interfere in the internal affairs of their neighbor, or to demand the abrogation or modification of measures it shall have deemed fit to take. On the contrary they ought to lend each other mutual aid, and to enjoin on the merchants who are their subjects never to excite the inhabitants to disobey the laws of their country.

Article 4 grants to the two contracting parties the right of sending to the respective capitals, ministers plenipotentiary, either permanent or on special missions, and each government will pay itself the traveling expenses of its representative.

Article 5 establishes rules of etiquette and parity to be observed in the relations of the two representatives with the officials of the power near which they are accredited.

By article 6, the correspondence between the two states will be written, on the part of China, in the Chinese language, and on the part of Japan, in Japanese, with a Chinese translation, or only in Chinese.

Article 7 stipulates that after the conclusion of the present treaty, each party will designate points on the shores of the two states where the respective subjects can trade. At the same time commercial regulations will be drawn up which will be obligatory on both nations.

By articles 8 and 9 the two governments will have the right to name, in all the ports open to their commerce, consuls charged with looking after the affairs of their fellow-citizens. The consuls will examine all differences according to the laws of their country. In case of dispute between merchants of the two nations, the consuls will try to reconcile the two parties, and arrange their difference *à l'amiable*. If their efforts are unsuccessful they will inform the local authorities, and with them will try to come to a decision. In the ports where the post of consul shall not yet have been created, the respective subjects accused of crime shall be arrested by the local authorities, who will immediately submit the whole affair to the decision of the consul of the nearest port.

Article 10 permits the functionaries and merchants of the friendly power, residing in the open ports, to take natives into their service, on condition of always abstaining from exciting them against their government, and that on the first summons they will give them up to the local authorities.

Article 11 obliges merchants not to carry arms, not to abandon their national costume, and not to change allegiance from interested motives.

Article 12 relates to the extradition of criminals, who will be pursued and given up on the first summons of the authorities of the friendly power.

Article 13 provides for the case where the subjects of one of the powers come to form bands on the territory of the other power, in order to devote themselves to any kind of reprehensible acts, to brigandage and theft. The local authorities shall have the right of killing, on the spot, the malefactors who oppose an armed resistance to them. In the case where these bands shall be of more than ten men, and shall pursue ends hostile to the government, foment troubles and plot with the natives, the local authorities shall have the right to seize them. After a preliminary inquest, in which the respective councils shall be asked to take part, whenever these regrettable facts occur in a port, the guilty shall be punished with death on the spot of the crime.

Article 14 permits the ships of war of the two nations to enter the open ports, and forbids them access to the other ports, river-mouths, and internal waters; an exception is admitted only in case of shipwreck or damage.

Article 15 establishes that if one of the two contracting parties is at war with any power, immediately after the declaration of war it closes its ports to the commerce and ships of the other contracting party. In the open ports and in the adjacent seas, Chinese and Japanese ships will abstain from attacking nations with which they are in hostile relations.

Article 16 forbids consuls to engage in commerce and to accept the title of consuls of powers not having treaties with the contracting parties. If one of the two governments has reason to be displeased with a consul, it reports it to the representative, who immediately appoints another consul.

Article 17 forbids the use of the respective flags to cover a fraudulent commerce. It authorizes persons desirous of learning, to buy all the books they need.

Finally, article 18 explains that this treaty is an act of mutual confidence and friendship, the aim of which is to remove every subject of distrust and misunderstanding between the two nations.

No. 375.

Mr. Schuyler to Mr. Fish.

No. 167.]

LEGATION OF THE UNITED STATES,
St. Petersburg, March 25, 1872. (Received April 19.)

SIR: I have the honor to inform you that at a recent meeting of the council of the empire the project for the reorganization of the city and port of Sebastopol, which has been for some time under consideration, was decided on. The dock-yards of the Black Sea fleet will be established at Nikolaieff. Sebastopol will be a merchant-port, but fitted for the anchorage of ships of war in case of necessity, and everything will be concentrated there which is necessary for the support and repairs of the fleet, including docks, store-houses, and barracks.

The east side of the South Bay will be occupied for military and naval purposes, and the west side will be devoted to the merchant fleet. The city of Sebastopol and all the surrounding territory will be governed by an official who must be at the same time a naval officer and commandant of the port, and, as regards the civil administration, will depend on the general-governor of New Russia. The municipal organization of the city will be of the same exceptional character as that of Cronstadt, Tagaurog, Nikolaieff, and Kertch.

The railway which is now being built between Sebastopol and Lozovo, on the line from Moscow to Tagaurog, will make a strategical difference to the city, and as it is difficult to suppose that it will ever again be at-

tacked as it was in the Crimean war, it is proposed only to protect Sebastopol against a *coup de main* in consequence of a landing of troops on a point of the coast distant from the city; with this view the peninsula of Cherson will be especially fortified. The plan of the defense of Sebastopol consists, consequently, of the following general dispositions:

1st. Defense of the roadstead by means of advanced batteries, constructed on the promontories which form the entrance to the port.

2d. Defense of the city on the south side, by means of separate forts and coast batteries along the Kozatsky, Kamisheff, and Streletsky Bays, with the establishment of a fortified work on Mount Sapon.

3d. Defense of the city on the north side, by means of two detached forts commanding the delta of the river Belbeck.

We learn by the telegrams received here that this re-establishment of Sebastopol causes some uneasiness in London, and that the English and French press are discussing the subject. It is now, however, too late to object, for by the first article of the treaty of London of March 13, 1871, article 13 of the treaty of Paris, which forbade the fortification of the coast of the Black Sea, was abrogated. Russia has therefore a full right to do as she pleases.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 376.

Mr. Schuyler to Mr. Fish.

No. 168.]

LEGATION OF THE UNITED STATES,
Saint Petersburg, March 30, 1872. (Received April 18.)

SIR: I have the honor to inclose you a copy of a letter I have received from Mr. Smith, the consul at Odessa, on the subject of the contemplated emigration of the Mennonite colonies in the south of Russia to America, and also a copy of my answer thereto.

The Mennonites first came to Russia from Prussia in 1789, in answer to an invitation of Catharine II, who gave them land, means with which to establish themselves, and temporary relief from taxes and contributions, and promised them religious freedom and exemption forever from military service. They settled in the south of Russia, in what is now the government of Taurid, on a tract of land between the rivers Dnieper, Molotchna, and Tokmok, and in 1855 numbered some seventeen thousand souls, (males.) The Mennonites are good agriculturists, but are particularly noted for their plantations of fruit, forest, and mulberry trees. This culture they have followed with great success on steppes that were formerly perfectly bare. The Mennonites are intelligent, industrious, and persevering, in addition are very clean, orderly, moral, temperate, and economical, as may be judged from their application. They are excessively religious.

Petzholdt, in his travels in 1855, says that it is his "firm conviction that Russia cannot show any more diligent or more useful citizens." There are schools in every village, and education is universal among them.

The details of the law of universal compulsory military service have not yet been decided on, but it is not proposed to exempt any individuals or classes of the community from its operation.

I do not think it would be possible to find in Europe any better emigrants than these Mennonites, and should the whole colony go to the United States they would rapidly develop into good and useful citizens.

As I have stated in my letter to Mr. Smith, it is a crime for Russian subjects to emigrate, and a crime to induce them to emigrate, without permission. If, therefore, it is thought desirable that these people should go to the United States, it will probably be necessary for our Government to assist them in obtaining from the imperial authorities the requisite permission to emigrate.

I desire also to call your attention to the question of the Mennonites, as to whether any aid in money can be given them for their expenses.

A petition similar to that given to Mr. Smith was presented by the Mennonites to the British consul at Berdiansk, and was by him referred to the foreign office. The papers have been sent to the ambassador here, and a reference has also been made to the governor-general of Canada. It is not supposed that any grants of land can be made to the colonists.

It is believed here that the Russian government will not object to the emigration of the Mennonites, but will insist on their restoring the lands with which they were endowed, and on their paying taxes in advance for a certain number of years.

I shall take the earliest opportunity to ascertain the disposition of the government, and will communicate to you at once any information I receive. Meanwhile I shall be glad to know the opinion of our Government on this matter, and to receive your instructions.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

(Inclosure No. 1.)

Mr. Smith to Mr. Curtin.

UNITED STATES CONSULATE.
Odessa, March 7-19, 1872.

DEAR SIR: I have lately received a petition in the German language, signed by thirty-two prominent members of the German community near Berdiansk, begging me to refer to higher authority certain questions respecting their proposal to emigrate to America. They state in their petition that they are heads of families, connected by family and fellowship with about one hundred colonies, numbering altogether some hundred and fifty thousand souls, who are known by their religious views as "Mennonites." To avoid military service, which is to them (as to the society of Quakers) incompatible with religious principle, they propose to seek new homes in America. As they are divided in opinion whether to choose the United States or Canada for their new country, they have presented (they say) the same petition to the British consul. By the new regulations of this country, they state that they would be liable to military service after ten years.

The questions are as follows:

1st. May our community obtain in the United States for ourselves and our posterity entire exemption from military service, *direct or indirect*, according to our principle and belief in the Word of God?

2d. May emigrants to the United States hope to receive a piece of land either as a gift or at a low price, and, in case of need, reckon on an advance or loan of money from the Government?

Though their present condition is prosperous, a general emigration would occasion losses in their land and houses, and some would be left almost without means, and, by their brotherly relations one toward another, emigration would have to be made possible also for the poor.

3d. For the sake of obtaining satisfactory encouragement and assurances on the foregoing points, as also for agreeing upon their place and terms of settlement, would it be advisable to send (in advance of emigrating) a delegation to Washington to confer directly with the Government?

In accordance with their wish, I refer the substance of their petition to your excellency, and will communicate to them your reply. The Mennonites are known to be very honest, industrious, and exemplary people, I believe, and no doubt if once established in the United States, would make themselves and the country the better.

Very respectfully, &c.,

TIMOTHY C. SMITH.

Hon. A. G. CURTIN,

United States Minister Plenipotentiary, &c., Saint Petersburg.

Mr. Schuyler to Mr. Smith.

(Inclosure No. 2.)

LEGATION OF THE UNITED STATES,
Saint Petersburg, March 29, 1872.

MY DEAR SIR: In Mr. Curtin's absence I received your letter of the 7-19, with regard to the proposed emigration of Mennonites, and will answer their questions as well as I can.

1st. Compulsory military service does not exist in the United States. Once only in the history of the United States was conscription resorted to, and the results of the measure were such as to render it highly improbable that recourse will again be had to forced enlistment. Even then it was always possible to avoid service by furnishing a substitute.

2d. By the homestead laws of the United States, every actual settler, who has declared his intention of becoming a citizen, has a right to receive 160 acres (56 desiatines) of land. Besides this, land can always be purchased from the Government or from railway companies at very cheap rates. The standard Government price is \$1.25 per acre.

The Northern Pacific Railway (among others) offers lands at long credit and cheap rates, and furnishes work to emigrants. It will, I believe, also assist colonies in emigrating at reduced rates. Possibly, in consideration of the large number of the colony, Congress might be induced to afford them some aid in going to the United States; or perhaps some of the Western States that invite settlers might do so. That, however, is a question to be decided in America.

3d. It would do no harm, and might be of great advantage, if the Mennonites were to send a small delegation to America to see what could be done, and to select a site for the colony.

I shall at once bring the subject to the notice of the Government, and will send you any information or instructions I may receive on the subject.

You may communicate this information to the Mennonites, but I would suggest to you to be a little cautious, as it is a crime for a Russian subject to emigrate without the permission of the government, and it is also a crime to induce them to emigrate. In case, therefore, the Mennonites decide to go to America, it will probably be necessary to have some diplomatic negotiations to obtain for them the requisite permission.

I should be glad to have some more detailed statements of the numbers and condition of these Mennonites. All the authorities that I can consult here fix their number at less than forty thousand. Will you please send me a copy of their petition?

There are some Mennonites and kindred religious sects in Pennsylvania who might, if addressed, take an interest in their co-religionists in Russia.

I am, &c.,

EUGENE SCHUYLER.

No. 377.

Mr. Schuyler to Mr. Fish.

No. 171.]

LEGATION OF THE UNITED STATES,
St. Petersburg, April 6, 1872. (Received April 25.)

SIR: In my dispatch No. 168, of March 30, I informed you of the proposed emigration to America of the Mennonite colonies in South Russia.

I have since been able to see Mr. de Westmann, and informed him of the application we had received, and said that, as I had no desire even

to seem to entice away His Majesty's subjects without his knowledge, I would tell him that I had already communicated this application to my Government. I said, further, that though I had no instructions on the subject, I should be glad to know the feeling of the imperial government with regard to this proposed emigration. Mr. de Westmann replied that he was then unable to answer me, but I judged from what he said that he was opposed to making any exemption from the obligation of military service in favor of the Mennonites or other persons.

The same evening Mr. de Westmann met me at a small party, and told me that he had reported our conversation to the chancellor, and that the government could not say what they would do until they had received a petition from the Mennonites themselves, asking for permission to emigrate; that then they would reply either "yes" or "no." Mr. de Westmann added that the chancellor thanked me for my communication, and fully appreciated the spirit which prompted me to make it.

I understand that the British ambassador has had a similar conversation with Prince Gortchacoff on the subject.

I am informed that the Bulgarian colonists in Bessarabia have presented a petition to be allowed to return to Turkey, and that this is now a subject of negotiation between the Turkish and the imperial governments.

I have the honor to inclose to you herewith, as of interest, an article from the Russian World of yesterday, which takes the ground that it is better for Russia to allow the Mennonites to emigrate than to make them an exception to the general laws of the empire.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

[Inclosure 1 in No. 171.—Translation.]

[From the Russian World of March 24, (April 5, 1872.)]

We are informed that at the present time there is a strong movement in the Mennonite colonies of the government of Taurid, and especially in the districts of Berdiansk and Melitopol. The Mennonites wish to emigrate in a body. There are reports that they have already declared this intention, through their deputies, to the American consuls in Odessa and Berdiansk, and that the question now consists only in whether they shall emigrate to the United States or to Canada. The cause of this hardly probable movement, which threatens to depopulate the richest lands and settlements in the south of Russia, is the approaching necessity of the colonists performing military service, from which they have been hitherto exempt.

It is a great pity that tens of thousands of Mennonites cannot reconcile themselves to the new order of things which now exists throughout the whole of Europe. It is, however, vastly better for Russia to deprive herself of these inhabitants than to infringe the principle of the equality of all her subjects in their obligations toward the state. It is strange for the Mennonites to insist on the privileges which were given to them at the time of their colonization, and confirmed by letters-patent. Treaties are always written forever, but time runs on, the position of affairs changes, alters the relations that existed at the conclusion of the treaties, and thus destroys the treaties. Without this circumstance there would be a full and perfect stand-still in the world.

If the government consents to the exemption of the Mennonites and other German colonists from military service, it should immediately dissolve the commission for establishing new regulations for military service. This commission will then have nothing to do. By admitting the right of the colonists to exemption from military service, it so much the more admits the right to the same exemption of the Russian nobility, mercantile class, &c., &c. Charters were granted to all by one the selfsame power, and have the same force.

It is better to lose the Mennonites than to introduce into the state the inequality of rights, and that, too, in favor of foreigners, and not of the native population.

No. 378.

Mr. Fish to Mr. Schuyler.

No. 136.]

DEPARTMENT OF STATE,
Washington, April 22, 1872.

SIR: Your dispatch No. 168, of the 30th ultimo, relative to the proposed emigration of Mennonite colonies from Russia to the United States, has been received. From your account of those people it is not to be doubted that they would be valuable citizens, and would be deserving of welcome to this country. As Russian law, however, forbids emigration or its encouragement, it would not be advisable for this Government to interfere in the matter until the disposition of that government, which you proposed to ascertain, shall be known. It is not probable, however, that Congress would be disposed to make the case of the Mennonites an exception, by granting them money or lands, toward inducing them to emigrate, or compensating them therefor.

I am, &c., &c.,

HAMILTON FISH.

No. 379.

Mr. Schuyler to Mr. Fish.

[Extract.]

No. 175.]

LEGATION OF THE UNITED STATES,
St. Petersburg, April 23, 1872. (Received May 20.)

SIR: I take advantage of an opportunity afforded to me by a friend to send you the "draught project for the eighth session of the International Statistical Congress."

This congress will meet in St. Petersburg about the 20th of August of the present year, under the presidency of his imperial highness the Grand Duke Constantine, and will last about a week, after which the delegates will visit Moscow to view the Polytechnic Exposition, and possibly may go to Nighni-Novgorod for the great fair. The congress will be divided into four sections, viz:

1. Statistics of population; methodology of statistics.
2. Industrial statistics.
3. Statistics of commerce and postal relations.
4. Statistics of criminal justice.

It is desired by the committee of organization that every country take part in this congress, by means of official delegates, and it is also thought desirable that there should be one official or unofficial delegate from each country in each section of the congress. * * * * *

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 380.

Mr. Schuyler to Mr. Fish.

No. 178.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 4, 1872. (Received May 22.)

SIR: Lord Augustus Loftus, the British ambassador, told me that when he saw Prince Gortchacoff with regard to the proposed emigration of the Mennonites, the prince said that no objection would be made to their going, but that they would not be allowed to sell their lands, and would be obliged to pay taxes for some years in advance.

It is now stated in the newspapers that the commission on the law of compulsory military service has resolved to make an exception in favor of the Mennonites and others whose consciences forbid them to bear arms. They will not be exempted from military service entirely, as that is considered unjust to the rest of the population, but will be exempted from carrying arms, and will be assigned other duties.

I do not know how far these statements are true, nor whether an exemption of this kind will be satisfactory to the Mennonites.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 381.

Mr. Fish to Mr. Schuyler.

No. 143.]

DEPARTMENT OF STATE,
Washington, May 21, 1872.

SIR: Your dispatch No. 175, of the 23d ultimo, covering a printed document relative to the International Statistical Congress to be held at St. Petersburg in August next, has been received. In reply, I have to state that Mr. Edward Young, Chief of the Bureau of Statistics in the Treasury Department, has been appointed a delegate to represent the United States in said congress.

I am, &c., &c.,

HAMILTON FISH.

No. 382.

Mr. Schuyler to Mr. Fish.

No. 4.]

LEGATION OF THE UNITED STATES,
St. Petersburg, July 12, 1872. (Received July 30.)

SIR: I regret to inform you that the cholera has made its appearance both in this place and in Cronstadt. It has gradually worked its way up here from the southwest of Russia, where it has been raging with great violence for the past month. Kief has suffered severely, some two thousand persons having died there.

It has been at Kief that the cholera has made its first appearance for now three years. This is thought to be owing to changes in the direction taken by the Persian trade in consequence of the new railways, and to the immense numbers of pilgrims which congregate there from all

parts of Russia. It is no doubt aggravated by the almost total absence of sanitary regulations on the drains and cess-pools, which are constructed in a very primitive and unhealthy manner.

In addition to the cholera the small-pox is epidemic in St. Petersburg, there being now more than twenty new cases daily, all of an aggravated form.

The cattle-pest has also made its appearance, accompanied by great mortality, in the neighboring provinces of Tver and Novgorod.

I am, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 383.

Mr. Fish to Mr. Curtin.

No. 149.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews, in the principalities of Moldavia and Wallachia, were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of Russia, in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 384.

Mr. Schuyler to Mr. Fish.

No. 10.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 21, 1872. (Received September 12.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 149, addressed to Mr. Curtin, instructing him to represent to the Russian government the sympathy which is entertained by the Government of the United States for the persecuted Hebrews in Roumania. It appears that some two months ago similar representations were made here by the English and Italian governments.

It was proposed, I understand, by the English government that the powers which signed the convention of Paris of 1858 unite in a joint note addressed to the Prince of Roumania, expressing their grief at the persecutions of the Hebrews which had taken place in that country,

and their opinion that they were an infraction of Article 46 of the convention of Paris of 1858, and requesting him to put a stop to such illegal acts.

The Russian government, however, was of opinion that such a course would be unwise, because it might render precarious the situation of Prince Charles, which was already difficult, and might eventually lead to opening the eastern question, which all the great powers were equally desirous to avoid.

The German government naturally took the same view, and it was proposed by Russia that each power individually should, through its diplomatic agent at Bucharest, ask the Roumanian government what guarantee it proposed to give for the proper and legal treatment of the Hebrews in the future. The exchange of views stopped there, and, so far as I can ascertain, nothing more has taken place. In this state of things I deemed it hardly probable that the Russian government would be willing to take any active steps in the matter, but still thought it best to seek an interview with Mr. de Westmann, and present him your views. I was finally able to see him to-day. In our conversation I stated briefly the reasons which had led the Government of the United States to make a representation on this subject, and that, without wishing to urge any particular course of action on the imperial government, the President was desirous of impressing it with the sympathy felt in the United States for these unfortunate persecuted Hebrews. I then presented Mr. de Westmann with the note of which I inclose a copy. He read it over carefully, pausing from time to time to make remarks. He said first, that according to the information received by the imperial government there had been no persecution of the Hebrews in Roumania; that there was indeed a strong enmity between the Christians and the Israelites, but that in the quarrels which had taken place both parties were equally to blame, enlarging somewhat on the topic upon which I told him that my Government had received different information. Further on he remarked that it did not seem to the imperial government that what had occurred in Roumania was any infraction of the convention of Paris, and that there was nothing in that instrument which would give the Hebrews a right to ask the interference of the signatory powers; that the Russian, like the American, Government had made it a rule not to interfere in the public affairs of other countries. I then explained to Mr. de Westmann that the convention of 1858 was not the basis of the present representation; that it was the character and notoriety of the outrages which had excited great indignation in America which induced the Government of the United States to address themselves to the imperial government, and that they did this in the belief that the imperial government had certain rights under treaties, of advice and persuasion with the Roumanian government, which possibly they might feel disposed to use. After some other conversation Mr. de Westmann said he would regard any communication as in the nature of an exchange of ideas between the two governments, and would accordingly report it to His Majesty the Emperor in his next weekly report.

I am, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

Mr. Schuyler to Mr. Westmann.

LEGATION OF THE UNITED STATES,
St. Petersburg, August 8-20, 1872.

The undersigned, chargé d'affaires of the United States of America, has the honor to inform his excellency, Mr. de Westmann, privy councillor, acting minister of foreign affairs, &c., that he has received the instruction of the President to call the attention of the imperial government to the condition of the Hebrews in Roumania.

The persecutions which the Hebrews in the principalities have undergone and are undergoing are so notorious that this grievance assumes as it were a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested. The Government of the United States was not a party to the convention of Paris of 1858, of which the acts complained of by the Hebrews seem clearly an infraction, and, as a rule, scrupulously abstains from interfering in the public affairs of other countries, yet the persecution of a people for their race or religion cannot fail to evoke for them the sympathies of the American people.

The Government of the United States thinks that if the imperial government were informed of the sympathy felt in America for the persecuted and outraged Hebrews of the principalities, the imperial government might feel encouraged in the efforts they are making to redress the grievances complained of.

If the imperial government should be able, either alone or in conjunction with the other European governments which signed the convention of Paris, to alleviate the condition of the Roumanian Hebrews, they would be assured of the lively gratitude and sympathy of the Government and people of the United States.

The undersigned takes this occasion to renew to his excellency the assurances of his high esteem and profound consideration.

I am, &c.,

EUGENE SCHUYLER.

No. 385.

Mr. Schuyler to Mr. Fish.

No. 12.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 24, 1872. (Received September 12.)

SIR: I have the honor to inform you that the International Statistical Congress is now in session here, under the presidency of the Grand Duke Constantine.

A very large number of delegates, both official and unofficial, is in attendance, and the proceedings thus far are highly interesting. The United States are represented by the official delegates, Messrs. Edward Young, William Barnes, and E. M. Snow, and by the unofficial persons delegated in part by various statistical societies; Mr. Julius L. Clarke, of Boston, State superintendent of insurance; Messrs. E. H. Derby and N. L. Derby, of Boston; Mr. Alexander Delmar, of Washington, and the Hon. Charles T. Gorham, minister-resident of the United States at the Hague. I was especially invited by the imperial government to take part in the congress, and accordingly entered as a regular member.

The congress has now met in the principal capitals of Europe, and a great desire is expressed by nearly all the members to hold their next session, in 1874 or 1875, in the United States, and a strong pressure is exercised to obtain an official invitation from the American delegation. It seems that it is the rule of the congress to meet in no country without an official invitation from its government, and, therefore, that unless this is had from the United States, they will be reluctantly obliged to turn elsewhere.

The American delegation conferred with me on the subject, and stated that there was also a strong desire in the United States to have the next meeting of the congress there.

I am, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 386.

Mr. Schuyler to Mr. Fish.

No. 13.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 31, 1872. (Received September 18.)

SIR: I have the honor to inform you that the International Statistical Congress was formally closed yesterday by the Grand Duke Constantine, who delivered a short address. The congress has done much excellent work, and its proceedings have been calculated to advance the cause of statistical and economical science by trying to secure uniformity and accuracy in the methods of collecting and publishing statistics. It would be impossible for any government to be more hospitable than the Russian government was on this occasion, and the delegates of the different countries are very well satisfied with their reception here.

Before the close of the congress yesterday there was a discussion as to the place for the next meeting. A Hungarian delegate offered the congress, in the name of the Emperor Francis Joseph, an official invitation to meet at Pesth in 1875. Another invitation was received from Switzerland. As I had not received a reply to my telegram of August 24, the delegation of the United States did not feel authorized to invite the congress to America in the name of the Government, but Mr. Young read to the congress a letter sent by the Centennial Commission, inviting the congress to hold its next session in Philadelphia in 1876, adding that they would be warmly received by the whole American people. Mr. Young explained that it was impossible for him to give an official invitation on behalf of his Government, because for that the assent of the Congress of the United States was necessary, and that body was not now in session. He therefore asked that the question of the time and place of the next meeting be referred to the committee of organization with power to act, and that in the meanwhile he would try to obtain the official invitation which the congress thought necessary.

After some discussion, the proposition of Mr. Young was adopted, and the matter was left in the hands of the committee.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 387.

Mr. Schuyler to Mr. Fish.

No. 16.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 4, 1872. (Received September 25.)

SIR: People here, as well as elsewhere, are lost in conjecture as to the purpose of the conference of the three Emperors of Russia, Germany, and Austria, which will take place at Berlin day after to-morrow. It is thought that this meeting will be fraught with consequences of immense importance for the peace of Europe.

I am unable to give you any information, as nothing is known here, except to the very few persons in the secret, but the bare fact that the Emperors meet, each accompanied by a brilliant military staff and by his minister of foreign affairs, with several officials. Count Andrássy takes with him the two leading men of the Austrian department of for-

eign affairs, and Baron Jomini and Mr. Hamburger, by far the most able men in the Russian foreign office, left here yesterday for Berlin, to meet Prince Gortchakoff there. The Emperor is accompanied by his two sons, the hereditary Grand Duke Alexander and the Grand Duke Vladimir, and his brother the Grand Duke Nicholas, as well as by a numerous staff, including the minister of war and Count Berg, the lieutenant in Poland.

The only official public utterance of any kind on the subject is a speech from the Emperor himself. On the 27th of August His Majesty was at Novotcheskask, and after religious services received the otaman and leaders of the Cossacks, the generals, marshals of the nobility, and local authorities, and, advancing to the center of the church, spoke as follows:

"After all you heard me say yesterday in your circle, I have only one thing to add: I thank you sincerely for your cordial reception, of which I shall always keep a pleasant remembrance. God grant that it may not be necessary to shed again your precious blood, and at the present moment I see no danger menacing us. In order still more to consolidate peace, I have decided to undertake a journey abroad, and I hope that it will not be without result for us. But in case of necessity I am persuaded that the troops of the Don will reply to my appeal with the ardor they have always shown for the defense of our fatherland."

Such words in the mouth of an emperor always mean something.

I have, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

No. 388.

Mr. Schuyler to Mr. Fish.

No. 18.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 14, 1872. (Received October 7.)

SIR: Referring to my dispatch No. 10, dated August 21, 1872, which gave a report of my conversation with Mr. de Westmann on the subject of the treatment of the Hebrews in Roumania, and to the copy of my note to Mr. de Westmann inclosed therewith, I have the honor to inclose to you herewith a translation of a note on the same subject from Mr. de Westman in reply.

I am, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

[Inclosure No. 1.—Translation.]

Mr. Westmann to Mr. Schuyler.

ST. PETERSBURG, *August 28, [September 9,] 1872.*

SIR: I have had the honor of receiving the note you kindly addressed me dated the 8-20 August.

The Government of the United States, in speaking of the persecution which, according to it, the Israelites endured in the United Principalities, expresses the desire of seeing them redressed by the signatory powers to the convention of Paris of 1858, the dispositions of which are thought to be infringed.

Not being a signatory of this convention, and scrupulously observing the principle of non-intervention in the affairs of other countries, the Government of the United States expresses the wish that the imperial government of Russia should judge it fit, either alone, or in concert with the other co-signataries, to take measures to alleviate

the condition of the Roumanian Israelites, which would call out the gratitude and sympathies of the American Government and nation.

The imperial government of Russia has always been animated with the desire of taking into consideration the wishes expressed to it in the name of the Government of the United States. Nevertheless, in this instance it regrets that it must differ in opinion. An attentive examination of the engagements of the convention of 1858 does not authorize it to believe that these stipulations have been infringed. It consequently cannot recognize the existence of sufficient reasons to justify a diplomatic intervention.

Like the Government of the United States, the imperial government of Russia scrupulously observes the principle of non-intervention in the internal affairs of other countries.

It is true that regrettable disorders have occurred in certain localities of Roumania, but these disorders were provoked, as is unanimously admitted, by some Israelites, who gave themselves up to acts odiously sacrilegious in the eyes of the Christians. Besides, these matters have been regularly submitted to the courts of justice, which have pronounced their final judgment.

As regards systematic and notorious persecutions in Roumania against the Israelite population, our official agents in the principalities make no mention of any in their reports. The imperial government has no reason to doubt their impartiality.

Receive, sir, the assurance of my very distinguished consideration.

WESTMANN.

No. 389.

Mr. Hale to Mr. Schuyler.

[No. 161.]

DEPARTMENT OF STATE,
Washington, September 18, 1872.

SIR: Your dispatch, No. 10, under date of August 21, has been received.

Your course relative to the alleged persecutions of the Hebrews in Roumania is approved.

I am, &c.,

CHARLES HALE,
Acting Secretary.



No. 390.

Mr. Schuyler to Mr. Fish.

[No. 21.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 29, 1872. (Received October 15.)

SIR: I have the honor to inclose you a memorandum, marked A, on the legal position of the Hebrews in Russia.

I am, &c.,

EUGENE SCHUYLER,
Chargé d'Affaires ad int.

[Inclosure A in No. 21.]

MEMORANDUM ON THE LEGAL POSITION OF THE HEBREWS IN RUSSIA.

Up to the year 1835, the Hebrews in Russia and Poland were subjected to many and onerous disabilities, both civil and religious. From that time the imperial government has pursued the constant policy of alleviating their condition, but though much has been done, much still remains to be done before the Hebrews will be on an equality with the other subjects of the empire.

The disabilities and exceptional position of the Israelites in Russia are based, not on grounds of religious intolerance, but on the idea that the Hebrew race "has a natural tendency to *exploiter* the population in the midst of which it is settled," and that the Hebrews are, therefore, harmful to the state. The restrictions, therefore, which surround the Hebrews are rather of a civil than of a religious nature, though these latter are not without their importance.

The present position of the Hebrews in Russia, so far as it is regulated or affected by the laws, is substantially this: The Hebrews are an alien race, living in Russia and owing allegiance to the imperial government, subject to all the burdens and endowed with few of the privileges of Russian subjects. On the assumed theory of their being hurtful to the population at large, they are under the special supervision of the government, and are restricted in their place of abode, their occupations, acquisition of property, mode of life, dress, education, and manner of worship.

The special legislation with regard to the Hebrews may roughly be divided into two heads, as concerns their civil and their religious rights.

CIVIL RIGHTS.

Hebrews are allowed to live only in the kingdom of Poland and the governments of Wilna, Grodno, Kovno, Minsk, Tchernigof, Podolia, Volhynia, Poltava, Ekaterinoslav, Cherson, Bessarabia, Kief, (except the city of Kief,) Taurid, (except Sevastopol,) Vitebsk, and Mohilef, (in the last two without the right of living in villages.) In the governments of Courland, Livonia, Stavropol, and the Trans-Caucasus those Hebrews who lived there before the prohibitions of 1835, 1837, and 1841 are suffered to remain, but no others may settle there.

Hebrews are forbidden to reside in the whole of the rest of Russia, and especially in the northeastern and Caucasian parts of the Black Sea, with some few exceptions.* Siberia is absolutely and forever closed to them. Exceptions to these prohibitions with regard to residence are made in favor of education, riches, and the mechanical arts.

By the laws of 1863 and 1868 Hebrews who have received the degree of doctor of medicine or surgery, or any university degree, can live where they please, and occupy themselves with commerce, manufactures, or their professions. The same privilege has been this year extended to the graduates of the Saint Petersburg Technological Institute. For the purpose of attendance at the universities and the higher educational establishments, Hebrews are allowed to leave their settled abodes and reside in the towns where these establishments exist, but children of Hebrew parents are allowed to receive a general or middle education only in those places where they are permitted a settled abode.

By becoming merchants of the first guild, i. e., practically by paying a yearly tax of about a thousand rubles, Hebrews are allowed to live in any city of the empire, and take with them their families, domestics, and clerks.

A still greater exception is made by a law of 1868, which permits Hebrew artisans to join trades-unions and guilds outside of the districts fixed for their settled habitation, and Hebrew mechanicians, distillers, brewers, and, in general, all artisans, to live in any part of the empire. Hebrews are also allowed to go freely into any part of the empire for the purpose of learning or perfecting themselves in a trade.

One other restriction remains to be noticed, based on the idea that the Hebrews are smugglers, which forbids them to live within fifty versts of the western frontier. An attempt to carry out this regulation some three years ago led to many complaints.

That these restrictions as to residence are not strictly enforced may be seen from the fact that there are Hebrews in every government of Russia except Orenburg and the land of the Don Cossacks. Even in Siberia there are 7,000, and in the Caucasus 16,000. (In Saint Petersburg there are now about 7,000 Hebrews, who have a synagogue, and in Moscow a number almost as large.) Still, the result is to keep the main body of them in Poland and the western provinces, where they form a large proportion of the population. In Finland there are none at all. The whole number of Hebrews in the Russian empire is 2,348,000, or 3.06 per cent. of the population. In Poland the Hebrews constitute 13 per cent. of the population, and in the government of Agostovo 16 per cent.; in the western provinces from 9 to 13 per cent.; in New Russia from 2 to 9 per cent.; and in Courland nearly 6 per cent.

The natural effect of this crowding together of the Hebrew population, combined with the restrictions on their acquisition of landed property, is to keep them in a comparatively low condition, and to afford them little chance for improvement. The supporters of Jewish emancipation say, with reason, that if the Hebrews are so dangerous to the welfare of the country and population, why protect certain govern-

* There is one Hebrew, a citizen of the United States, living in the city of Kharkoff. An exception was made in his favor on the representation of the American legation that the quality of Hebrew should be considered merged into that of citizen of the United States.

ments from them at the expense of others? Why not diminish the evil by distributing them throughout the empire, particularly among the pure great Russian population, which is as richly endowed with the commercial spirit as are the Hebrews themselves? Why make exceptions in favor of the rich, who must on this reasoning be vastly more dangerous to the rest of the population than the poor? If the Hebrews are not dangerous, then the present restrictions should not be kept in force. On any theory they are wrong.

The restrictions on commerce, trade, and the acquisition of property, except so far as they result from the restrictions on residence, are gradually disappearing. Hebrew manufacturers are allowed to go to certain fairs to sell or buy goods. Merchants of the first guild are permitted to carry on an export and import trade on certain conditions, and to visit the capitals and other cities for the purchase of goods twice a year; but their stay must not be more than six months in all. Merchants of the second guild can go to other cities once a year, for not more than two months. Hebrews are also allowed to go to other places to receive inheritances, or carry on law-suits. But all such absences must be with the special permission of the police, and, in certain cases, of the government of the province, or of the imperial government.

In general Hebrews may acquire real estate wherever they are allowed to live, but they are not allowed to become owners of any estate where the relations between the late serfs and their masters are not entirely settled. This is to prevent their having any power over Christians. There are also some further restrictions. In the government of Vitebsk and Mohilef, Hebrews cannot purchase or hire real estate within three versts of any village, or any private or crown estate. In the government of Tchernigof and Poltava, since 1855, they cannot obtain real estate for the purpose of settling on it, and, in general, in the western provinces persons of Hebrew origin cannot become purchasers of the estates of the Polish nobles sold at forced sale by the government.

Hebrews are forbidden to employ Christians as constant domestic servants, but may employ them on temporary occasions, as masons, carpenters, &c., or as workmen in factories, or as clerks in shops and counting-houses. Christian females who are employed to cook and wash for Christian employes or as hands in factories, must live in separate houses from the Hebrews. This is in consequence of the supposed antipathy of the lower classes of the two races—an antipathy which will speedily disappear of itself as soon as the distinctions kept up by the laws are broken down.

From 1835 on, the Russian government was very anxious to induce the Hebrews to become agriculturists, and consequently granted many privileges to those who adopted this mode of life. These privileges consisted *inter alia* in free allotments of land for village and homestead; in aid in money for removing from one place to another, and for the first settlements; in the construction of houses for the colonists; in grain for seed, and means of temporary subsistence at first; in freedom from money taxes for ten years, and from recruitment for twenty-five years; and, finally, in honorary and money rewards for success in agriculture. "But all such favors and privileges," to quote the words of an official document emanating from the ministry of the interior, "did not bring about the desired results, and the establishment of Hebrew agriculturists presents only a long series of facts showing the systematic and constant misuse of these favors. In view of these facts and of the general disposition of the Hebrews for petty trade rather than settled labor, the government being confirmed in the impossibility of making profitable agriculturists of the Hebrews, repealed the law giving money assistance to Hebrews becoming agriculturists as well as generally all the special regulations concerning the Hebrew agriculturists then in force." These regulations were repealed, by an imperial order, in 1866. It is, perhaps, not entirely owing to the indisposition of the Hebrews to agriculture that these efforts of the government were unsuccessful. It was as difficult to leave the agricultural class as it was easy to enter it. Therefore, none but the poorest Hebrews accepted the offers of colonization, and many of them died on the road to the distant colonies, and the rest reached them utterly ignorant of how to cultivate the land, and without instructors. Besides, they were forbidden to employ Christians as laborers, and were not allowed to live near enough the villagers of other faiths to have any competition. The assistance offered by the government was insufficient to carry them over a single year of bad harvest, and these, together with an unaccustomed toil, were enough to ruin the colonies. Some few, however, succeeded in tiding over the first bad years, and those are said to be now in a flourishing state. With regard to the service of the state, no person who is a Hebrew by race or religion can become an officer of the army, the rights of Hebrews, in this respect, being far inferior to those of Mohammedans. Recruiting, on the contrary, has often been pressed with more severity against the Hebrews than against the rest of the population, and this was especially the case during the Crimean war. But as a law is now under consideration, making military service equitable and compulsory on all classes of the population, it is probable that these distinctions will be done away with.

All Hebrews who have taken the degree of doctor at any Russian university are permitted to enter the government service. Otherwise it is impossible for them, without a

special permission of the Emperor. Christians, on the other hand, may enter the government service without any literary qualifications, and, with only a degree of candidate, corresponding to our bachelor of arts, they have the right to a government place. In all the government and rabbinical Hebrew schools, the teachers may be either Hebrews or Christians, but only the Christians have the right to pensions and rewards accruing from service. The inspectors and various other officers must be Christians. In all institutions of self-government where the members are elected, such as trade corporations, municipal bodies, city governments, &c., the non-Christians can only constitute one-third, and no Hebrew can be chosen as mayor of a city, or temporarily fulfill his duties. Thus, in a town such as Berditchef or Zhitomar, where nine-tenths of the inhabitants are Hebrews, the majority has no voice, and the town is practically governed by the very small minority of Christians.

The Hebrews in every town form a distinct community, governed by a body called the *kagal*, which is unofficially recognized by the government, and made use of for the collection of taxes and recruits. In the province of Courland the *kagal* is officially recognized by a special law. Under the supervision of the *kagal*, there are rabbinical courts, whose decisions are governed by the Talmudic law, both parties being obliged to bind themselves not to refer the case to a civil tribunal. These courts, which are generally unrecognized by the government, are, as well as the *kagal*, said to be sometimes made instruments of great tyranny and oppression toward the lower classes of Hebrews, the Hebrew community being so arranged that only the rich and aristocratic take part in its government.*

In these Hebrew communities there has existed for ages a special tax, called the *Korobatchuky tax*, which is now recognized and regulated by law. This tax is devoted to the wants of the Hebrew community, to the deficiencies in the payment of their taxes and performance of other duties, to the payment of the communal debts, the foundation and support of Hebrew schools, and to other benevolent purposes. The tax is raised by imposts on the butchering of meat in the Hebrew form, on the sale of meat so killed, on Sabbatical candles, and by penalties for the non-fulfilment of all the tax regulations, by an impost on the income of landed property belonging to Hebrews, on Hebrew manufactures, and on the estates of deceased Hebrews, and by the money paid for wearing the Hebrew costume. The *kagal* is also allowed to impose a tax on all liquors sold in taverns and dram-shops kept by Hebrews in country villages. This tax falling, of course, on the consumers, is really paid by the Christians, for the peasants are the only customers of these dram-shops. Whatever harm is therefore done to the Russian peasantry in this particular arises from the Russian law itself.

RELIGIOUS RIGHTS.

The ruling principle in the Russian legislation is that of complete tolerance to all religions, including, of course, the Jewish, Mohammedan, and heathen, the orthodox Eastern Church being the religion of the State. This tolerance does not, however, extend to proselytism, and any one converting a Russian subject from one religion to another, except the orthodox faith, even from one non-Christian religion to another, is liable to heavy punishment. The state church reserves to itself the monopoly of proselytism, but the laws strictly forbid any force, threats, or compulsion being used in such conversion. The state, however, takes an interest in conversions from Judaism, and gives every convert from 15 to 30 rubles in money, and freedom from taxes for three or five years, as an assistance to them in case their means of livelihood should be cut off by their former co-religionists. The law demands that every conversion shall be voluntary, and forbids the baptism of children under fourteen years of age without the written consent of their parents or guardians. On the conversion of the parents the children under seven years are also baptised; if only one of the parents is converted, the sons under seven follow the religion of the father, the daughters that of the mother. Children over seven cannot be baptised without their own consent, even at the wish of their parents. While conversions from Judaism are thus approved of, backsliding into the old faith is punished with the severest penalties.

One very unjust regulation against the Hebrews, springing from their religion, is that "in districts where the Judaizing heresy (a heresy in the Eastern church which follows chiefly the Old Testament, keeps Saturday, &c.) prevails, all the Hebrews, without exception, must be expelled, and not one allowed to remain under any pretext." This is punishing the innocent for the guilty.

Marriage with non-Christians is forbidden to Russian subjects of the orthodox or of the Roman Catholic faith. Protestants are only forbidden to marry heathen. Persons of the Lutheran religion (for the Lutheran Church is to a certain extent established in Russia) may marry Hebrews with the consent of the local consistory, but the marriage must be according to the Lutheran rite, and the Hebrew party must give a written promise to educate the children as Christians, and not to convert the spouse to Judaism.

* See Braphmann, *Book of Kagal and Hebrew Fraternities*, *passim*.

Catholics marrying Hebrews or Lutherans marrying them, without conforming to these regulations, are subjected to imprisonment for eighty days, but the marriages seem to be valid. In case of a mixed marriage, if the children are not brought up Christians, or if an attempt is made to convert the Christian spouse to Judaism, the marriage is dissolved, and the offending party punished.

In the case of conversion to Christianity of a Hebrew husband or wife, the marriage can be dissolved at the request of either party, and the converted person can marry a Christian. But the marriage may remain in force at the wish of the parties, provided the consort will endeavor to convert his spouse, and the Hebrew spouse will agree not to influence the children to remain Hebrews or abuse the other party on account of his or her conversion.

It is plain that any antipathy of the common people toward the Hebrew cannot be eradicated so long as the government itself marks them out as a peculiar people, with whom marriage is illegal.

Another mark of religious intolerance is the law which forbids everywhere the use by Hebrews of a special dress or costume, even though it is required by their religious belief. This law, after various vain endeavors to enforce it, especially in Poland two or three years ago, is so modified that, in the districts where Hebrews are allowed a settled residence, they may wear their distinctive costumes on payment of a fixed tax, which goes to the Hebrew benevolent institutions. Children under ten years of age and old men over sixty are exempt from this tax. There is also a tax of five rubles for wearing the Jewish cap. Women are forbidden to shave their heads under a penalty of five rubles for each offense. When Hebrews pass the district of their settled residence, they must wear the usual costume of the country, and have about them no distinctive Hebrew marks.

These regulations bear only on Hebrews. Mohammedans and heathens are allowed to shave their heads, and to wear any costume they choose in any part of the empire.

In the districts set apart for their settled residence, the Hebrews enjoy the same freedom of worship as other religious communities in the empire, and the military force can even be called in to protect them. Hebrews under imprisonment are freed from labor on Saturday. Hebrew school-children are not obliged to attend the instructions in the Christian religion. Hebrews may make oath according to their own religious form. Saturday is given to them as a day of grace in the payment of promissory notes, &c. By permission of the authorities, a synagogue may be built for every eighty Hebrew houses, and a school of prayer for every thirty houses, but these buildings must not be nearer than 700 feet to any Christian church. The synagogues, like Christian churches, are exempt from taxes and the quartering of troops. The wine and liquor used in the Hebrew religious service pay no excise duty.

The religious officers, at the head of whom is the rabbi, are chosen by Hebrew community, under the regulations and with the confirmation of the Government. The rabbi has no right to punish the Hebrews belonging to his congregation with pains, curses, or excommunication, nor to refuse to any of them the rites of their faith. Any infraction of this regulation is severely punished, by a fine and the removal of the rabbi from his office, but only on a complaint of the community. The sole complaint of the person who is punished is disregarded. The religious affairs of the Hebrews are under the general superintendence of a rabbinical commission of seven members, attached to the imperial ministry of the interior.

The official language of the rabbinical commission is Russian, but some other official documents may be in Hebrew. The registers of births, deaths, &c., must be kept in both Russian and Hebrew, (either the old Hebrew or the jargon.) Hebrew merchants must keep their books either in Russian, Polish, or German; or, if in Hebrew, must have a translation on the next page. This is the only restriction on the use of the Hebrew language. Wills written in Hebrew are admitted to probate, and oaths are administered to Hebrews not speaking Russian in their local dialect. In order to spread the knowledge of the Russian language among the Hebrews, it is required to be taught in all the Hebrew schools, and is now allowed to be used in the religious service.

As regards education, besides the rabbinical and private schools, and the government schools "for the education of Hebrew youths," Hebrew children of both sexes are admitted to all schools and educational institutions in the place where their parents reside without any distinction from other children. Hebrew books must be submitted to the censorship, and a special tax is laid on them for the support of Hebrew schools.

Such is, in the main, the legal position of the Hebrews in Russia. Some minor regulations have not been noticed, and there are many varying local enactments in the different provinces and towns which could be taken into consideration only with great difficulty.

It is chiefly during the reign of the present Emperor that the laws directed against the Hebrews have been mitigated. Just after the emancipation of the serfs, there was a general movement of the Russian liberals for the emancipation of the Jews. Now, since the spread of slavonaphile and ultra-Russian ideas, it is not unusual to find strong liberals and democrats who are animated with the feelings of the Middle Ages toward

the Hebrews, and even some of the prominent journals, such as the *Golos*, are constantly attacking them. On the other hand, the most truly liberal politicians and their organs, such as the *Messenger of Europe*, and the *Saint Petersburg Gazette*, (of the Academy,) are in favor of removing from the Hebrews all restrictions whatever, and thus aiding them to coalesce with the rest of the population. A strong movement is also going on among the Hebrews themselves for their elevation and enlightenment. Schools are founded, journals are established devoted to their interests, and pamphlets and books are published, not only to call the attention of Russians to the injustice they are doing to the Hebrews, but for their own profit and instruction. There are efforts at reform, too, to free the lower classes from the not infrequent tyranny of the *kagal* and the rabbinical councils.

There is need of all this and much more; for, in spite of the recent reforms, the condition of the Hebrews in Russia, massed together in the western provinces, without room for productive occupation or healthy competition, is growing worse and worse. Indeed, a recent Hebrew writer, Mr. Orshansky, (*The Hebrews in Russia*, by T. G. Orshansky, Saint Petersburg, 1872, page 13,) says that "the general economical progress of Russian life has proved injurious to the interests of the Hebrew population;" and goes on to show that the emancipation of the peasants, the organization of credit banks, the railways, the changes made in government contracts, brandy, farming, &c., the lowering of the tariff, and cessation of smuggling, the rural and municipal self-governments, have all been prejudicial to the Hebrews. Their former clients, the proprietors, are learning to do without them as factors and managers; the peasants get loans at the banks; the improvement in the communications have ruined the country taverns; there is less liquor drank; there are fewer uses for middlemen, and it is harder to live off of the weaknesses and follies of other people.

That the Hebrews were in such a position as to be ruined by the increase of the general prosperity is not their fault, but that of the laws which placed them in this position, and forced them to such means of livelihood. There is an historical reason for it. The old Polish laws forbade the peasants to engage in trade; the nobles thought it beneath their dignity. The Hebrews, who were cut off from agriculture and other pursuits and professions, naturally monopolized the trade of the country, and fell into this position of being the factors, the go-betweens, and the agents of both the upper and the lower classes, making, of course, their profit from each. With the changes in the laws which benefit both upper and lower classes, by making them more independent, the Hebrews are cut off from the means of livelihood which the oppression of centuries had condemned them to seek, and are reduced to their present deplorable condition. To quote again the words of Mr. Orshansky, page 42: "In the life of the Hebrews of Western Russia are noticed all the symptoms of the social malady known under the name of proletarianism—a lack of settled residences, constant change of domicile and vagrancy, lamentable sanitary conditions, and, as their consequence, a great mortality, a lowering of morality, a want of means, and an insignificant amount of profits and money saved."

This shows the absolute necessity of some change. The spirit of modern Russian legislation is to fuse together the different races that inhabit the empire and to make them all Russians. It is obvious that this object cannot be attained, so far as the Hebrews are concerned, while laws exist which render them a separate and distinct body, and, by casting a slur on them, cause them only to shut themselves still more, and to resist all attempts to draw them into normal relations with the rest of the body politic.

EUGENE SCHUYLER.

SALVADOR.

No. 391.

Mr. Biddle to Mr. Fish.

[Extract.]

No. 10.]

LEGATION OF THE UNITED STATES,
San Salvador, Dec. 11, 1871. (Received Jan. 1, 1872.)

SIR: The correspondence of my predecessor has extended to the overthrow of the government of General Dueñas, and the assumption of power by "the citizen marshal president, Don Santiago Gonzalez."

On the 16th day of October, of this year, a national constituent congress proclaimed a liberal republican constitution for Salvador, special reference to which shall form the subject of a future dispatch. The declaration of rights guarantees the essential elements of freedom; the respective functions of the executive, legislative, and judicial are well balanced, and careful provision is made to insure representation of the masses and purity in the elections. On the 3d instant these were duly inaugurated, terminating in the almost unanimous choice of the provisional President as the supreme ruler for the ensuing two years. The ceremonies were conducted with perfect order. None were restrained in speech or action, and the President elect received the salutation of his compatriots with becoming dignity. It is, however, a noticeable fact, that while the population of this city is estimated at over twenty thousand, not beyond one hundred individuals qualified themselves, by timely registration, to vote. And I am told that this neglect applied equally to the country districts. I was informed by the minister of foreign relations that it was the only peaceful and satisfactory event of the kind within his knowledge, and that it heralded an era of peace and prosperity. By the 16th and 17th sections of article 36, Chapter VIII, it is one of the attributes of the legislative power to declare and proclaim in general assembly the election of President and Vice-President of the republic, and to themselves vote, (as in the United States,) when a plurality of suffrages only is possessed by the leading candidate. Also, the oath of office is administered before the congress. This body convenes, without letter of convocation, in each year, from the 1st to the 5th of January, and the sessions cannot exceed forty days. It is composed of two chambers, one of deputies and the other of senators. The deputies are elected each year; the senators for three years, but so that one-third shall be annually renewed.

Thus a fair prospect of future tranquillity seems opened for Salvador. Within her borders the elements are calm, but prudence might dictate reserve in an opinion as to the portents abroad. Guatemala is yet very unsettled, and the torch of war may yet be lighted.

Honduras is in a fierce contest with a serious revolt of its Indian population, and the authorities are aided by troops from Salvador. Nicaragua seems now inactive, but intently watching results. As sudden and as unforeseen as the volcanic eruptions in these lands are, the political vicissitudes and a preponderance of some of the above-named influences might at any time precipitate war upon these communities. There is a proposition for the assembling at La Union, in Salvador, of delegates from the five Central American states, to discuss the proposition of the revival of their confederation. This existed from 1823 until 1839, and all efforts for its restoration have hitherto proved futile. Properly consolidated, it should prove a powerful guarantee of peace, progress, and strength, but at the threshold it meets opposition. It will be difficult to reconcile sectional jealousies and private ambitions, and the equitable adjustment of the national indebtedness will be fraught with perplexities. Thus Salvador has no foreign and only a trifling domestic debt, readily disposed of, while some of the other states owe millions. They have before them, however, the example of the United States of Colombia, in which a *pro-rata* distribution was effectively accomplished. And Salvador, moreover, seems to be the very standard-bearer for union. In his speech upon my presentation, President Gonzalez says, "Aspiramos por la consolidacion de nuestro orden politico, á seme jarnos á lagran republica del Norte," &c., (we may hope for the

consolidation of our political order, assimilating ourselves to the great republic of the North, &c.)

* * * * *

After enumerating the advantages to be derived from the imitation of virtuous patriots, the salutary exercise of the rights of citizenship, the advice of intelligent and honorable men, that right may be the most powerful ally of morality and progress, and that, finally, the great necessity is the confederation of the states, "as liberty cannot exist in any one of these countries separated from the fortunes of the rest."

* * * * *

I have held a conversation with President Gonzalez, in which he spoke with absolute enthusiasm of the President and people of the United States, and spoke of the unity of these republics as nearest his heart. He however thought that it would necessarily be the work of time, many prejudices and obstacles opposing. His visit to the confines of Guatemala had been fruitless, the President of that state being absent from the appointed place through illness. He seemed to imagine that the influence of Costa Rica might be adverse to the re-union, but thought that the steady co-operation of Guatemala and Salvador, if effected, would carry the day. He told me that in the principle that union was strength, was the very foundation of his political views. He spoke, also, of the impulsion which internal improvements would give to Salvador, and said that he advocated the construction of roads and telegraphs whenever justified financially.

I have, &c.,

THOS. BIDDLE.

No. 392.

Mr. Biddle to Mr. Fish.

No. 13.]

LEGATION OF THE UNITED STATES,
San Salvador, January 5, 1872. (Received February 16.)

SIR: Referring to my dispatch No. 10, I have now the honor to transmit a printed copy of "the political constitution of the republic of Salvador, decreed by the constituent assembly the 16th day of October, 1871." Its brief preamble is, "In the presence of God, the Supreme Legislator of the Universe, and in the name of the Salvadorian people, the national constituent congress decrees, sanctions, and proclaims the following constitution."

Chapter first declares that the nation is the political association of all the people of Salvador; that it is sovereign, free, and independent, and can never become the patrimony of any family or person, and its succession is to be regulated by elections conformably to the law. All power emanates from the people.

The boundaries of Salvador are, to the east, the Bay of Fonseca; to the north, the republics of Guatemala and Honduras; to the west, the River Paz; and to the south, the Pacific Ocean.

The government is republican, popular, representative, and successive, and shall be administered by three distinct and independent powers, the legislative, executive, and judicial.

"The Catholic religion, Roman apostolic, is that of the state, and the government will protect it. It tolerates the public worship of the Christian denominations when they preserve morality and the public peace."

The second chapter prescribes that natural-born Salvadoreans are—

1st. All born within the territory of Salvador, excepting the children of foreigners not naturalized.

2d. The children of foreigners by a Salvadorean mother, or *vice versa*, born within the territory of Salvador.

3d. The children born to a Salvadorean father in a foreign country, where he is not naturalized.

Naturalized Salvadoreans are those who, in conformity to prior laws, have acquired this quality, and those who hereafter obtain it according to the following rules:

1st. The Spanish-American duly obtains letters of naturalization from the government after a year's residence and good conduct in the republic.

2d. Other foreigners who solicit and obtain such letters, having proved two years of residence and their good conduct.

3d. Those naturalized by act of the legislature.

All Salvadoreans are citizens who have reached the age of twenty-one years, and are of good character, and who possess any of the following qualifications: To be father of a family or head of a house. To know how to read and write, or to have means of maintenance. Also, adults of eighteen years with literary degrees are citizens. The privileges of citizenship may be suspended—

1st. By imprisonment, or criminal process not admitting bail.

2d. Legally-declared fraudulent indebtedness, or under execution for indebtedness, to the public treasury.

3d. Notoriously vicious conduct or confirmed vagrancy.

4th. Mental aberration.

5th. Judicial interdiction.

Those shall forfeit the quality of citizens who—

1st. Are convicted of unbailable offenses.

2d. Residing in the republic, accept employment from any other nation without license from the legislature.

3d. Those naturalized abroad.

4th. Those selling their vote at popular elections.

Only those in the exercise of citizenship can obtain appointment or office under the republic.

The third chapter relates to foreigners. Whenever resident in Salvador, foreigners are subject to the ordinary imposts and obligations as the Salvadoreans, and, in case of injury to their persons or property, have the same right to prosecute in the tribunals. They may also, in like manner, urge claims against the nation in the proper tribunals, in the same manner as may Salvadoreans.

Foreigners cannot, under any pretext, take part in the popular elections, nor in the political questions of the country, and, contravening this, they shall be punished conformably to law. Foreigners may acquire real estate, but it is to remain subject to the same liabilities as if in the possession of Salvadoreans.

"The circumstance of the marriage of a Salvadorean woman with a foreigner does not deprive her of her status as a Salvadorean, nor is her property exempted from the imposts and dues to which is subjected that of other Salvadoreans." How far this declaration, seemingly in derogation of the generally-received international principle that the nationality of the wife follows that of her husband, will be accepted by other nations, may probably be a question should the point ever arise.

Adult children of foreigners within a year of their qualification must

elect as to their national status, otherwise they will be taken as naturalized.

Chapter fourth regulates the election districts.

By chapter fifth it is provided that the President must be a natural-born citizen of Salvador, thirty-three years of age, and not over sixty-five. He must be in the exercise of uninterrupted citizenship for five years prior to the election, to be of admitted honor and education, and to possess real property, unincumbered, of not less than \$10,000 within the republic. The President can neither hypothecate nor convey this estate, during his term of office, nor for two years thereafter.

Natives of the other Central American states may be elected to the presidency, provided that they have resided in Salvador for fifteen years previous to the election, and not to have lost citizenship for the preceding five years; to possess in Salvador unincumbered real estate to the value of \$20,000, &c.; to have intermarried with a Salvadorean; to have lent important services to the republic, and to be not less than thirty-three years of age, nor more than sixty-five.

Then follow provisions as to the qualifications for vice-president, senators, deputies, and their subordinates, justices of the court, &c., &c. No ecclesiastic can obtain office by popular election.

Justices cannot sit as associates if they are within the fourth degree of consanguinity, or within the second of affinity to one another.

No appointee of the executive can be elected senator or deputy until six months after his office has terminated. Nor can senators or deputies obtain appointments during the term for which they have been elected.

Chapter sixth relates to the legislature and its organization. This consists of a senate and house of deputies. It convenes yearly from the 1st to the 15th of January, without special letter of convocation, and its sessions cannot exceed forty days. A minority may take measures to compel the attendance of others; a majority may deliberate, but when less than two-thirds have convened, two-thirds of those present are necessary for every legislative resolution. The chamber of deputies is renewed yearly; the senate, one-third yearly.

Chapter seventh relates to the powers and privileges peculiar to each chamber.

Chapter eighth regulates the attributes of the legislative power. These principally are to enact, interpret, reform, and repeal the secondary laws; to create jurisdictions, tribunals, and judges; to administer to the civil and criminal laws; to regulate the powers and jurisdiction of the different functionaries; to nominate in general assembly the justices of the supreme court; to establish taxes and contributions, and forced loans in cases of invasion, &c.; to empower the executive to levy forced loans, &c.; to settle and decree the annual estimates and appropriations for the expenses of government, arranging the management and the investments of the revenue, and the creation of a treasurer; to receive from the executive yearly accounts of his official conduct, particularly with reference to finances, &c., and to establish funds for the extinction of the national debt; to create and organize an army and militia, conferring the grades from colonel up, inclusive; to supervise public instruction; to regulate weights and measures; to promote the means of communication; to decree the arms and standard of the republic, and to settle the alloy, weight, and coinage of the money; to appropriately recognize services to the country by rewards, &c.; to assign, augment, or diminish salaries to functionaries, and to create and annul employments; to regulate patent rights; to declare war and conclude peace;

to grant amnesties and pardons, and to commute sentences, in the two last cases having a regard to the favorable representation of the supreme tribunal; to declare and proclaim in general assembly the election of President and vice-president of the republic, and to vote thereon when there is no popular election; to administer in general assembly the oath of office to the President, vice president of the republic, and the justices of the supreme court; to receive the resignations of those functionaries, of senators, and of officers in the army, from colonels up, inclusive; to resolve in general assembly doubts which may arise upon, or charges concerning the incapacity of, President, vice-president, and other employés elected by the assembly; to grant letters of naturalization. Also it can concede letters of naturalization to great men for services rendered to the republic or to humanity; to declare the state of siege in the cases and for the causes established by law; to rehabilitate those who have lost the rights of citizenship; to pass notes of censure upon the ministry; to grant or to deny permission to Salvadoreans to accept foreign employment, &c.; to ratify, modify, or disapprove the treaties and negotiations which the executive celebrates with foreign powers, and the concordats adjusted with the supreme pontiff.

The legislative power cannot augment the compensation of the President, deputies, and senators during the then term of office. When the chambers are convoked to extra sessions by the executive, they can only consider the questions assigned in the decree of convocation.

The senate can continue its sessions in order to dispose of the special subjects which the law commits to it. The legislative powers cannot be delegated, &c. Heavy penalties imposed therefor.

Chapter ninth prescribes the executive power. It is to be exercised by a citizen who received the title of President of the Republic, selected directly by the people, but when there is not a clear majority of votes, the election is to be made in general assembly of the legislature from the three citizens leading the pluralities of votes. The same for vice-president. The duration of the presidential term is two years, and the proprietary president cannot be re-elected, save after the expiration of an equal period, &c. The president shall be the commander-in-chief of the army and navy. The decrees, resolutions, and proclamations of the president must be authorized by the ministers of state in their respective departments. He shall have four ministers: of foreign relations; of the interior; of war and the treasury; and of public instruction; among whom the president may distribute other duties as convenient. Their qualifications are regulated, and the "character of minister is declared incompatible with that of any other position."

Chapter tenth treats of the attributes of the executive. These are, to maintain the sovereignty and independence of the republic, and the integrity of its territory. To conserve the peace and order. To publish and execute the laws, &c., using the veto as established. To remove ministers and other high officials, &c. To appoint and remove diplomatic agents, consuls, &c., and to receive those accredited near the government, and to superintend the foreign relations. To call extra sessions of the chambers, &c. Within eight days after the opening of the regular sessions of the general assembly, a detailed message is to be presented, and a persistent neglect thereof may cause the removal of the ministers, and of the president himself. To direct war, being to dispose of the public incomes, and to celebrate treaties of peace, and any other negotiation whatsoever, submitting them to the ratification of the legislature. To direct the armed force, to be authorized to command in person the army, and in such case to intrust the executive authority to the proper source. To raise the

greatest force necessary to repel invasions or quell insurrections, and to immediately convoke the assembly so that it can dispose what is convenient for the occasion. To commute penalties during the recess of the legislature, &c. To afford to the chambers such information as he may deem compatible with the public interests, &c., and all others when called for by the deputies and senate. To issue decrees and proclamations to facilitate the execution of the laws, &c. To be watchful over the legal value of money and to compute that of foreign countries, the circulation of which is permitted; all the arrangements of police and of order, the charitable institutions, those of knowledge, letters, and arts, the prisons and garrisons, are all under his direction and supreme inspection, as well as the census and statistics. To permit or refuse the transit of troops of other countries in the republic during the recess of the legislature. To open ports and establish custom-houses, and to nationalize vessels. To promote agriculture, manufactures, and commerce. To exercise the right of patronage.

Chapter eleven regulates the judiciary, creating courts of first, second, and third instance, and a supreme tribunal called "*corte plena*," composed of the justices of these several courts, which possesses not only strictly appellate powers, but also supervisory jurisdiction and power to appoint judges for the lower courts and displace them. To advise the legislature upon legal points, and to watch the responsibilities incurred by the lower judges, departmental governors, &c. They are also to proclaim the guarantee of *habeas corpus* against whatsoever authority.

The twelfth chapter regulates the formation, sanction, and publication of the law.

The thirteenth chapter refers to the inferior judges, magistrates, &c.

The fourteenth chapter treats of the governors of the minor districts, and the fifteenth of the affairs of the different townships.

The sixteenth chapter is of the public force, which is composed of the national militia, the army, and navy. Every Salvadorean, save those legally excepted, is obliged to take up arms to defend the independence of the republic and the integrity of its territory. The militia is not to exceed one per cent. of the population. The armed force is declared to be essentially obedient; it cannot deliberate, and its individuals cannot be elected deputies nor senators.

Chapter seventeenth establishes the public treasury, which shall be formed—

1st. Of all the personal and real property of the state and active credit.

2d. All the imposts and contributions which the Salvadoreans pay, or hereafter shall pay, through their persons, industry, and commerce, or estates.

3d. All the duties which commerce produces.

No class of contributions or imposts can be exacted but those settled previously by law, nor can any sum be extracted from the treasury save by previous law. A yearly account of the condition of the treasury shall be published, and the public treasurer shall furnish a monthly statement of the receipts and disposal of all the funds.

Neither the government nor any other authority can conclude contracts which affect the national funds except through the medium of public competition, except in those cases provided by the corresponding organic law. The nation does not hold itself responsible for the unlawful acts of the executive in these respects, &c., &c.

The eighteenth chapter designates the responsibility of public functionaries to the government and individuals for malfeasance in office.

The nineteenth chapter proclaims the rights and duties guaranteed by the constitution. Salvador recognizes rights and duties prior and paramount to the positive laws. It holds as principles liberty, fraternity, equality; and, as foundations, the family, labor, property, and public order.

All the dwellers in Salvador have incontestable right to conserve and defend their lives and liberties, to acquire and dispose of their property, and to pursue their happiness without molestation. Every individual is free in the republic. There shall not be a slave within the territory, nor a citizen who traffics in slaves. The republic is a sacred asylum for every stranger who may wish to reside within its limits, so long as he submits to its laws and obeys the constituted authorities, notwithstanding which, the provisions of extradition treaties will be observed. Every inhabitant free from responsibility may leave and return to the republic without passport whenever he pleases. No acts of usurpation of the supreme power have any legal effect whatsoever. Freedom of speech and of the press is declared. Public meetings, to discuss freely politics, allowed, when good order is preserved. The right of petition is declared. The law does not interfere with private actions and beliefs which do not offend the public order nor injure others. Confiscation of property is abolished, nor can any one be deprived of his life, liberty, or property without due trial and judgment in a court of law. Inquisitions, searches, and molestation of one's person, house, or papers, forbidden except as allowed by law. All are equal before the law. Punishment should be proportioned to the nature of the offense. Capital punishment is abolished for political accusations, and only can be inflicted for the crimes of murder, assault, and arson, if death results.

Only tribunals previously established by law can have cognizance of civil and criminal cases. Special commissions and courts are abolished.

The writ of *habeas corpus* (*el auto de exhibicion de su persona*) is established even in opposition to any act of the president.

Epistolary correspondence is inviolable, except in cases where public safety creates an exception. Bail is to be received, except where it is specially prohibited. No one in criminal cases is obliged to bear testimony against his parents, or children, or wife, or near collateral relatives. And in all criminal process to summon witnesses to confront the adverse witness, and to have counsel or to be heard in his own defense.

The police is confided exclusively to the civil power.

Arbitration, save in excepted cases, is always allowed to litigants, at all stages of a cause.

All property is inviolable, but the state may appropriate property for public uses, duly proven, and by means of a just and settled indemnification. All property is transmissible by legal formulas, all species of entail being prohibited. All criminal trials are to be within the term prescribed by law. Arrests must be through proper authority. The higher and secondary branches of learning are optional, but are a care for the authorities, whose vigilance should extend to all the institutions of education without exception. Primary instruction is uniform, gratuitous, and obligatory. Every individual may found schools and colleges, imparting knowledge and morality. The alumni of these institutions, upon examination, will take the corresponding literary grades in the university.

No power, legislative or executive, nor any tribunal or authority, can restrict, change, or infringe any of the above guarantees; and such

infringer becomes a usurper, and as such individually responsible for the injury inflicted, and shall be prosecuted as prescribed in this constitution.

Chapter twentieth provides for reforms in the constitution, and other dispositions. It preclaims that: "Salvador is prepared to concur with all or any of the States of Central America for the organization of a national government whenever circumstances permit, and it suits their interests to form a part of the great Latin-American confederation."

Thus Salvador has framed a republican constitution, modeled in its leading features upon that of the United States, declaring the fundamental privileges of representative government, personal liberty, and security to property. We must trust with anxious hope that it will prove not a mere rope of sand, but a cable potent to sustain the ship of state in the political hurricanes which so often have wrecked these nationalities.

I have, &c.,

THOMAS BIDDLE.

No. 393.

Mr. Biddle to Mr. Fish.

No. 14.]

LEGATION OF THE UNITED STATES,
San Salvador, January 8, 1872. (Received February 16.)

SIR: Referring to article 125 of the constitution of Salvador, transmitted in my No. 13, relating to education, I have the honor to inclose herewith a copy of a memorial of the secretary of the university of the state, Doctor Don Carlos Bonilla, read by him at the commencement, on the 12th of December last, and published in the Official Gazette of the 23d of that month. It discloses the efforts made for the diffusion of learning, and their success considering the retrogression resulting from the late revolution.

The trustees and faculty are selected from among the most eminent and learned citizens.

There are four faculties, viz: of letters and sciences; of law; of medicine; and of theology.

The students, at present numbering two hundred and sixty-four, are subjected to rigid examinations. From the 1st of December, 1870, to the 14th of November, 1871, the university has licensed by diploma one doctor of letters and sciences, one of engineering, seven of law, and eight of medicine, in all seventeen licentiates. In the same period it has verified twenty-seven baccalaureates in letters and sciences, six in law, four in medicine, three in pharmacy, and two in theology; in all, forty-two of lower grades.

There are five colleges and lyceums corresponding with the university, viz, the "Colegio Nacional," the "Tridentino," and "el Liceo" of "San Thomas," of the capital; that of "San Luis," in New San Salvador, and that of "Santo Domingo," in San Miguel. With the exception of "El Tridentino," and of "Santo Domingo," which have special privileges, the alumni of the others are all qualified at the central institution.

Primary instruction is expanding yearly in its numbers and area, yet much in this respect remains to be accomplished, and the surplus public

revenues can be best applied to the dissemination of elementary education.

I have, &c.,

THOS. BIDDLE.

No. 394.

Mr. Biddle to Mr. Fish.

[Extract.]

No. 19.]

LEGATION OF THE UNITED STATES,
San Salvador, January 19, 1872. (Received February 16.)

SIR: I have the honor to transmit to you herewith a printed copy of an address delivered at the university by a prominent citizen of Salvador, on the 6th day of this month, at the inauguration of a "society of arts and sciences," established for the promotion of the practical arts and the general diffusion of knowledge. It is composed of all the learned in the community, headed by the President.

I was requested to aid in the formation of its constitution and by-laws, as one of a committee of three; and, as the range of the association is wholly confined to literary and scientific advancement, (with, perhaps, a special view to agricultural improvement,) the acceptance of the same seemed consonant to my official duties.

As an evidence of the kindly sentiments prevailing for the United States, I translate the following extract from the inclosure:

One other happy circumstance we have in favor of our growing society, and that is the co-operation of Thomas Biddle, LL. D., the worthy representative of the colossal American nation, which marches as the very vanguard of the civilization of the century, and which has dazzled the world with its marvelous discoveries. Already he has aided us, by his knowledge, in the formation of our regulations, and we hope much from the co-operation of so distinguished a gentleman, who has proffered to us the ideas which, in similar associations, have produced the best results in the United States.

If it might be possible, through the instrumentality of the Department, to throw this "society of arts and sciences of Salvador" *en rapport* with the Agricultural Bureau of the United States, the National Observatory, the Smithsonian Institution, and other similar establishments, a valuable impetus might be given to the struggles for light of a young state under many difficulties.

With the opening year President Gonzalez has also established a normal school for the instruction of teachers, and also an agricultural institute.

* * * * *

I have, &c.,

THOS. BIDDLE.

No. 395.

Mr. Biddle to Mr. Fish.

No. 22.]

LEGATION OF THE UNITED STATES,
San Salvador, February 1, 1872. (Received March 2.)

SIR: I have the honor to transmit to you, herewith, a copy of the message of the provisional President of the republic, Field-Marshal Don Santiago Gonzalez, to the national assembly of 1872.

It congratulates the assembly as convened consonantly to the free suffrages of the people under the charter of liberty secured by the late revolution, and that the co-ordinate branches of the government will now combine their efforts for the common weal.

It proceeds to give a succinct narrative of public affairs, promising expatriation upon each subject in the reports from the appropriate departments.

It declares the existence of perfect interior tranquillity, without the need of large military force to conserve it, from the intelligent support of the government by the people. That as to foreign affairs "they enjoy the esteem and friendship (which they reciprocate) of all countries, who, respecting themselves, pursue a just, frank, and friendly policy, in which is based concord and harmony between civilized nations."

It alludes to the marked proof of the sympathy of Guatemala, in the fact of the visit of its President, who has endeared himself not only by his personal qualities, "but by the identity of political principles," &c., &c.

It states that the government of Honduras initiated in the month of August last a project of union between the two republics. "Without disregarding so fraternal as well as useful a proposition on the part of my government, I deemed that it should invite the other Central American republics that they should unite in whatever fusion might be possible for an integral nationality. To this end both countries concurred in requesting, through their respective plenipotentiaries, Guatemala, Nicaragua, and Costa Rica that they should send agents in the month of December last to the port of La Union, and to negotiate with those of Salvador and Honduras, if they might find it convenient. The initiative of these governments was most favorably received by the others, and a congress is to be organized to confer upon the above subjects."

The message proceeds: "Some treaties have been made during the brief period in which I have held the executive power, which the proper ministry will present to you for action according to law. Also he will bring to your knowledge other treaties, not considered by the legislature of the previous year, owing to the precipitate close of its sessions, owing to the revolution."

It calls upon the congress to pass enabling statutes for the administration of powers under the new constitution. It declares that the administration will support the tribunals in the dispensation of justice.

It promises aid and advancement to all institutions of learning. Also, industry in all its branches will be fostered without partiality to individual enterprise. In illustration, an agricultural school has been founded.

It alludes to the prosperous condition of the public treasury, which allows aid to useful projects, and the extinction of the public debt. That, notwithstanding the drawbacks occasioned by the revolution of April to agriculture and commerce, the revenues were greater in the last than in the previous year; and it is hoped that with peace the ensuing year will surpass all in financial prosperity. Thus all promises will be fulfilled, public works commenced will be concluded, and others of great utility commenced. It proposes to carefully strengthen the army. That the Roman Catholic religion receives the protection of the government as prescribed by the constitution, and conformably to the stipulation in "the concordat." Other creeds, by virtue of the provisions of the same constitution, shall receive similar protection, "for it

is understood that the government, even in the absence of provision of the written law, is in duty bound to protect all the inhabitants of the country in the exercise of their lawful rights, when they do not tend to immorality nor crime, nor assail the social order."

It promises faithful execution of the laws, and protection to labor, property, and rights of person.

To the congress it promises aid and co-operation, and invokes it.

Peace smiles upon us to-day, offering its best fruits. Nothing gives foundation for dread of discord; but if, unfortunately, some malcontents, misinterpreting the clemency of the government, may be tempted to the rash endeavor to revolutionize, he will know how to overcome them with every severity.

Regarding foreign affairs, we have to fear no interruption of the friendly relations preserved with all nations in communication with us. The steady and frank conduct of this government with them promises to preserve without interruption their appreciation and consideration. Notwithstanding this, I can assure you, gentlemen representatives, never has this state had greater resources than at this day for its defense, and we are now in a better position to repel force by force than at any former period.

The message concludes with an appeal for a united effort to effect all which may enhance the public good. As is the custom here, the message was replied to by the presiding officer of the general assembly.

It comes in a refrain or chorus to the message, endorsing its every sentiment. You will have observed the allusions to treaties to be concluded, which refer especially to those with the United States, and also the confident hopes expressed for continued peace with other nations, coupled with declarations of aptitude for war, intended for the eye of the Honduran government.

I have, &c.,

THO'S BIDDLE.

No. 396.

Mr. Biddle to Mr. Fish.

No. 27.]

LEGATION OF THE UNITED STATES,
San Salvador, February 10, 1872. (Received March 2.)

SIR: Referring to my dispatch No. 22, I have the honor to transmit to you herewith a copy and translation of the memorial or report presented by the minister of foreign relations to the legislature of Salvador of 1872. It is a comprehensive statement of the foreign affairs of Salvador, exhibiting its desire for peace and union with the adjacent republics. Its language toward Honduras is most conciliatory, presenting a treaty of amity and commerce with that state for ratification, to establish "the peace which must naturally and necessarily exist between them." It particularly discloses the continued and earnest efforts of Salvador for reconfederation on equitable terms. Referring to the relations with the United States, he thus writes:

The great republic of the North, which has cultivated with Salvador friendly relations most sincere and frank, has finally happily sent to this republic the Hon. Thomas Biddle, with the character of minister resident near this government, it being one of the important objects of this mission to arrange definitively the treaties celebrated with his worthy predecessor, General A. T. A. Torbert, with whose labors I have also the honor to account to the august assembly. The treaties which I have commended were submitted for the information of the usual legislature of the past year, &c. (Here follows a special allusion to those with Honduras.)

Also in these treaties (i. e., with the United States) is limited, as you will see, the term within which ratifications may be exchanged. By virtue, however, of the initiative of this government, that of the republic of the United States has enlarged this term, thus abrogating the effect of the article in which this stipulation was included.

The memorial concludes:

Thus will Salvador be honorably known in foreign lands, and it will demonstrate that a small political section of the globe can rise to a respectable category among civilized nations by the practice of right and justice.

After a brief but satisfactory visit the President of Guatemala left this city on his homeward route on the 26th ultimo, having, through his minister of state, (Fomento,) who accompanied him, arranged and signed a treaty of peace, commerce, and alliance on the 24th ultimo, and, as expressed in the aforementioned memorial, "for the final validity of which the government hopes that the supreme legislative power will give its ratification."

I append hereto a sketch of its main features, taken from the Boletín Oficial of the 31st January, which may be thus abridged:

- 1st. Peace and friendship.
- 2d. Propagation of liberal and republican institutions within their borders.
- 3d. Means of obtaining this end.
- 4th. To open a highway and telegraphic line between the respective capitals.
- 5th. Reduction of taxes, imposts, &c.
- 6th. To promote steamship lines between both countries and San Francisco, California.
- 7th. The abrogation and recoinage of the present wretched smooth or cut money of Salvador, by Guatemala, at reasonable cost.
- 8th. Privileges to citizens of the one state within the borders of the other.
- 9th. The same.
- 10th. Extradition of criminals.
- 11th. Asylum for political refugees.
- 12th. Defensive alliance.

"Neither state to intervene, *'motu proprio,'* in the domestic affairs of the other, but in the event of invasion or disturbance from abroad, or the other countries of Central America, its ally is to be informed that it may interpose its pacific intermediation to avert war, and which, if disregarded, shall make common cause with the one aggrieved, until it remains satisfied and in peace." Also, in internal disorders, aid to the number of two thousand troops to be sent, &c.

13th. In the event of the infringement of this treaty, war is not to result; but first remonstrance, and lastly submission to the arbitrament of some of the governments of Central America, or of the continent.

On the 1st instant Marshal Santiago Gonzales was duly inaugurated as President of this republic, under the constitution, for the term of two years from that date. I annex a copy and translation of the legislative decree declaratory of the election by popular suffrage, and also the inaugural address of the President, with the reply of the presiding officer of the congress.

The whole tenor of late events culminates to demonstrate the sincere desire of Salvador for peace and progress, and that, so far from seeking war, her labor is to establish intimate alliances with all her neighbors.

I have, &c.,

THO'S BIDDLE.

[Inclosure 1.—Translation.]

MEMORIAL PRESENTED BY THE MINISTER OF FOREIGN RELATIONS TO THE LEGISLATIVE BODY OF 1872.

GENTLEMEN REPRESENTATIVES: The republic of Salvador, a small section of Latin-America, but prominent in its fixed principles, has at last presented to the world one of those social phenomena which history will note as an era in human progress—a refraction from revolution, but ever advancing, and boldly reaching into futurity to grasp the grand ideal to which it aspires.

The present government, born of this revolution and its exponent, particularly designs to characterize its relations with other governments with the strictest justice, ever faithfully observing the rules established by the law of nature for nations constituting the great human family. Ever convinced that it is not force alone which gives vitality to integral states, but the administration of justice, which is the perfection of reason in all civilized associations, it has resolved to heed most religiously all existing treaties and conventions, at the same time that it will have the honor to promote new facts, (as I shall have the honor subsequently to inform you,) which will strengthen existing relations, foster commerce, and protect Salvadoreans abroad.

The community of aspirations, origin, vicinity, institutions, apart from the tendency of mankind to union, induces populations to strengthen their bonds, and exactly this happens with the republics of Central America, called by such weighty reasons to labor in perfect accord for mutual happiness and prosperity.

Therefore the provisional government had hardly attended to the exigencies which the abnormal condition of affairs, supervening a revolution just finished, demanded, when it thought well to give full powers to Señor Don Rafael Campo, accrediting him to the government of Nicaragua, that he there might present the ideas of this government as to the conservation of the most perfect harmony with the neighboring States. The reception given to our minister was satisfactory, and when he had received assurances that the necessary aims of both States were for concord, Señor Campo then received instructions to return to the republic. The provisional government, firm in its proposition for fraternal communication, &c., conferred on the licentiate Don Mariano Castro the appointment of minister plenipotentiary near the government of Costa Rica. That officer fulfilled well the mission, and, consonantly to his instructions, celebrated under date of the 22d of May, 1871, a treaty of friendship and alliance, which I have the honor to present for your superior consideration.

At these dates it was hardly possible to negotiate with Guatemala, distracted by civil wars, and its future unsettled; yet we hoped the restoration of order, with the triumph of the patriots, who had raised their standard in the name of right and justice to bear from the soil existing abuses militating with its progressive tendencies. Notwithstanding this, but wishing that internal affairs might not relax the ties uniting both republics, the provisional government of Salvador inaugurated relations, informing that government of the change in ours. This step revealed our prudent and conciliatory course of policy. But peace once established, both peoples fraternally embraced, and now labor in accord for the consolidation of their proclaimed principles.

Also I have the honor to inform you that, soon after the revolution of Salvador, the government of Honduras thought it convenient to accredit an envoy extraordinary and minister plenipotentiary, who, among other important subjects, was to confer with this government upon the great national question, proposing primarily that between Salvador and Honduras they should form a single people, and that they should invite the other countries of Central America to second the project to form a single nation.

The provisional executive referred consideration of the proposal to the national constituent assembly, who, upon deliberation, empowered the executive to open conferences with the Honduran ministry, by virtue of which the undersigned, together with his appreciated colleague, the minister of the interior, signed a protocol with Honduras, in which both contracting parties agreed to send their representatives to a conference to consider this subject, to be held in the city of La Union, and at the same time both governments bound themselves to invite the other republics to send also their agents to that congress, to adopt, by common agreement, the plan most acceptable. Consequently, the Salvadorean government aptly nominated General Don Juan José Samayoa, with suitable powers, that he might treat upon this important subject. On account of unforeseen difficulties, doubtless, the ministers from Honduras and Nicaragua have not been able to assemble. Those of Guatemala and Costa Rica, with that of this republic, have actually assembled, and these have urged the other States to send their respective plenipotentiaries.

In the interim, however, the representative of Honduras has adjusted with our Government treaties of amity and commerce, which I submit to your superior deliberation. With these facts both governments propose to strengthen the many commercial relations which exist between the two peoples, and to further their respective political interests, supporting the peace which should naturally and necessarily exist between them.

As a proof of the cordial spirit which animates the government of Costa Rica, that cabinet conferred upon the distinguished Dr. Don Bruno Carranza the character of plenipotentiary near the government of Salvador. Señor Carranza, as also Señor Alvarado, a short time previously, was received with the distinction accorded to the representative of a friendly and sister nation. Another treaty was signed by the undersigned with Señor Carranza, and it is one of those which I bring to your knowledge to-day for the proper authorization.

To conclude with the Central American policy of Salvador, it remains to inform you that, it being thought convenient to send a commissioner to Nicaragua, this charge was given to General Don Santiago Delgado. This mission is purely pacific, and has for principal object the good harmony between both republics, and the promotion of such arrangements as may redound to mutual advantage.

Finally, the government of Guatemala conferred full powers upon its minister of state, Señor Don J. M. Samayoa, to arrange a treaty of peace, commerce, and alliance, and in effect he signed a treaty on the 24th instant, for the final validity of which the government hopes that the supreme legislative power will give its ratification.

The great republic of the north, which has cultivated with Salvador friendly relations most sincere and frank, has finally happily sent to this republic the Hon. Mr. Thomas Biddle with the character of minister resident near this government, it being one of the important objects of his mission to arrange definitively the treaties celebrated with his worthy predecessor, General A. T. A. Torbert, with whose labors I have also the honor to account to the august assembly. The treaties which I have commended were submitted for the information of the usual legislature of the past year, but owing to the occurrences arising from the bad understanding between the ruling administration of this republic and the government of Honduras these documents remained without the necessary sanction to elevate them to the category of a law of the republic. Also, in these treaties is limited, as you will see, the term within which ratifications may be exchanged; by virtue, however, of the initiative of this government that of the republic of the United States has enlarged this term, thus abrogating the effect of the article in which this stipulation was included.

I am able to express what may be proper concerning the conventions celebrated with other powers by the previous administration, and which I to-day bring to your knowledge. With regard to our diplomatic corps, I can assure you that Salvador is worthily represented abroad, and the accompanying table shows the changes made in the representation, &c., also consular catalogue, &c.

Such are, gentlemen representatives, the works of the provisional executive, so far as foreign affairs are concerned. In the interior liberty is established, also the administration of justice, and the respect for law. With the sister republics ties have been strengthened, preserving a prudent and just policy; with other nations, it has endeavored to show that the government of Salvador desires to preserve their esteem and respect, as well as the friendship and cordial relations which prevail; that it does not disregard the principles of international law, whose scrupulous observance removes as much as possible from every emergency which may come to interrupt the regular and prosperous advance of the country whose destinies and dearest interests it is its charge to guard, and which will be itself the faithful observer of existing treaties.

Thus will Salvador be honorably known in foreign lands, and it will demonstrate that a small political section of the globe can rise to a respectable category among civilized nations by the practice of right and justice.

GREGORIO ARBIZA.

SAN SALVADOR, *January 27, 1872.*

[Inclosure 2.—Translation.]

DECREE OF THE LEGISLATURE.

The provisional President of the republic of Salvador to its inhabitants:

Know ye, that the legislative body has decreed as follows:

The general assembly of the republic of Salvador, having proceeded to the opening of ballots which contain the votes cast by the Salvadorean people for President of the republic in the constitutional term, which is included from the 1st of February of the current year to the 1st of February, 1874, the proper examination being made by its committee, finds that Field Marshal Don Santiago Gonzalez is duly elected, conformably to article 41 of the constitution in force, and also verified the election provided by article 42 of the same constitution for Vice-President of the republic, and the Señor Licentiate Don Manuel Mendez having obtained the majority of votes, it has thought well to decree, and does decree:

ARTICLE 1. The citizen Field-Marshal D. Santiago Gonzalez is President of the

republic by popular suffrage for the constitutional period which commences the 1st of February of the year 1872, and terminates the 1st of February of the year 1874.

ARTICLE 2. The Vice-President for the same period is the Señor Licentiate D. Manuel Mendez.

Communicated to the executive for its publication and observance.

Given in the chamber of the general assembly, in San Salvador, the 30th January, 1872.

DOROTEO PASCONCELOS, *President*.

CONSTANTINO FUENTES, *Secretary*.

ANTONIO GRAMALDI, *Secretary*.

NATIONAL PALACE, SAN SALVADOR,
January 31, 1872.

Therefore, let it be published.

SANTIAGO GONZALEZ.

The minister of government.

JOSÉ TRÍGUEROS.

No. 397.

Mr. Biddle to Mr. Fish.

No. 35.]

LEGATION OF THE UNITED STATES,
San Salvador, March 12, 1872. (Received April 2.)

SIR: Referring to my No. 27, I have now the honor to transmit to you the text of the treaty between Salvador and Guatemala, as ratified by the congress of this State and published officially. Its main features are as detailed in the dispatch referred to, but an important provision was not at that date divulged.

The twelfth article may be thus translated:

The government of Guatemala having expelled the Jesuit Fathers, it being notorious that their remaining in the country was hurtful to the interests of the republic, and is being evident that the government of Salvador may be thwarted in like manner, and find in them an obstacle to the definitive establishment of the liberal institutions proclaimed in both republics, and knowing besides that the constituent congress of Salvador had disposed that the aforesaid fathers should not be admitted to this republic. both governments agree not to allow their existence in the future in any part of their respective territories, whether organized as a society or in any other manner.

While the minister of foreign relations *in transitu* to Guatemala with the treaty, President Gonzalez directed the immediate expulsion of the Jesuits, and announced that those in the capital (two) were to leave at dawn to-day. Exception was taken to the constitutionality of the measure and the aid of the judiciary invoked.

The constitution provides for the toleration of all religious worship which does not offend public peace and morality, and that none shall be expatriated without trial and condemnation. But the Jesuits are said to be most destructive to both morality and order, and it is thought that the action of the courts will be coincident with that of the executive and legislative.

Meantime the Guatemalan policy thus embraced by Salvador exasperates more and more Nicaragua and Honduras, both eminently *conservative*, and the former the asylum for the banished Jesuits from Guatemala. Threatening resolutions concerning Salvador are said to have been favorably received by the Honduras legislature, and a heavy pecuniary indemnity is said to be demanded by that state for aid afforded Salvador in its late revolution.

Armed bodies of Honduranians have been hovering on the borders, and growing apprehensions of hostilities are expressed.

Yesterday I conversed with President Gonzalez. He deprecated war most strongly, and said he, too, deeply felt every argument for peace. That the constant intrigues of the Jesuits permeating all society, made their expulsion a great necessity to the very existence of the government, but that he would avoid war until the last extremity, "until it only became a question of war or abject dishonor."

I am yet hopeful that hostilities may be averted. Salvador sincerely craves for peace. Her growing agriculture and commerce and the vital interests of her young republic loudly demand it, while the spirits of retrogression and priestcraft hurl upon her the gauntlet.

The conference at La Union, in this State, for a Central American re-confederation has met and adjourned. Nicaragua was not represented.

The proceedings have not as yet been promulgated, but President Gonzalez did not conceal from me his disappointment at the result of their deliberations. "Their plan," said he, "will be found impracticable; it is too full of petty detail, and will never be accepted by all the States." "For my part," he added, "I would sacrifice anything for union. Would that our States could read a lesson in the example of yours!"

In the past, war seems to have been the normal condition of Central America, peace the exception, and for the future, threatening as it now seems, we may hope that the liberal policy of Salvador, her system of education, and a new immigration to supply the growing wants of our own Pacific slope, may all work together for peace and progress.

I have, &c.,

THOS. BIDDLE.

No. 398.

Mr. Biddle to Mr. Fish.

No. 36.]

LEGATION OF THE UNITED STATES,
San Salvador, March 20, 1872. (Received May 4.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 10.

Referring to the allusion in my No. 35 to the convention of plenipotentiaries at La Union to form a basis for reconfederation, I have now the honor to transmit to you an English version of "the pact" signed on the 17th of February, 1872, taken from the *Star and Herald* newspaper of Panama.

The general belief is that it will not be ratified. Its many details will cause endless discussions and postponements, and at the root of all are the rivalries and ambitions of the respective States, and of the rulers. The financial problem regarding future liability for existing indebtedness will prove a formidable obstacle, and the unhappy controversies as to the Jesuits threaten serious discord.

The absence of Nicaragua from the deliberations is in itself significant. Yet the necessity of some union among these republics is self-evident, and is admitted, but each plan is in turn repudiated. The ventilation of the subject is healthful, and a favorable result is a question of time alone. A general alliance of amity, commerce, and defense would seem most practicable, and closer bonds could be drawn as experience justified.

"The schoolmaster is abroad." Salvador seems awake to the situa-

tion, and it passes belief that these lovely lands, yielding the agricultural productions of every clime, should be the perpetual victims of anarchy and civil wars.

I have, &c.,

THO'S BIDDLE.

[Inclosure No. 1.—Translation.]

[*Extract from the Panama Star and Herald, March 11, 1872.*]

THE PACT OF THE CENTRAL AMERICAN UNION; SIGNED THE 17TH OF FEBRUARY, 1872, IN THE CITY OF LA UNION.

In the city of La Union, of Central America, in the republic of Salvador, at 4 p. m. of the 17th day of February, 1872, being present the ministers plenipotentiary of four of the republics of Central America, viz: Don Rafael Ramirez, on the part of Costa Rica; General Maximo Arango, for Honduras; the reverend presbyter Martin Merida, for Guatemala, and General Juan José Samayoa, on the part of Salvador, with the object of establishing the bases of the union of the States of Central America, in conformity with the desires of their respective constituents, and to secure in the most efficacious manner the general interests of Central America and of each of the high contracting parties. Also to preserve and maintain the peace between them and the interior of each republic, as being the best means of securing their greatness and give respectability abroad. To widen and sustain the principles of republicanism, guarantee the autonomies of Central America and the integrity of its territory against all aggressions and pretensions of foreign powers, and to defend the sovereignty of each of the States. To encourage in all its ramifications the moral, intellectual, and material progress. The ample powers being examined of the representatives of Honduras, of Salvador, of Costa Rica, and of Guatemala, and having verified the respective exchange and found them sufficient, and, after having conferred together on the important points of their high and delicate mission, they have agreed on the following stipulations:

ARTICLE 1. The Central American republics engage to preserve intact the autonomy and integrity of the Central American territory, so that none of the governments under no title, motive, or pretext can sell, cede, or alienate in any way whatever might affect the sovereignty, and least of all to diminish the respective territory, nor admit annexation to, or the protectorate of, any government or foreign power. In this resolution are not comprehended voluntary territorial arrangements by whom it may concern, provided always that they be Spanish-American; but should any of the republics be violently deprived of their rights, in such cases the other Central American States are under the obligation to assist in an efficacious manner toward their revindication, making common cause with the State that is injured.

ARTICLE 2. There shall never be established or consented to any other form of government in Central America than the republican, popular representative and alternative, having for foundation the national sovereignty residing in the community of those associated. Therefore the lawful and only source of public power is the popular and individual suffrage emitted in conformity to the constitution and laws of each one of the republics.

ARTICLE 3. The preservation of peace in the Central American republics is one of the strictest duties of their respective governments and peoples, and the disputes that may arise between them, no matter what may be the motives, shall be arranged in a friendly way by the mediation of the other governments that had no part in the question. In case of non-agreement the matter will be submitted to the arbitral judgment of the Central American authority about to be established, or to a tribunal of arbiters composed of the neutral Central American governments. The government or governments which should infringe this principle will commit the crime of treason to the Central American nation.

ARTICLE 4. Rebellion in Central America against the lawfully constituted authorities is a treasonable crime against the Central American nation.

ARTICLE 5. The duration of the presidential term in all the Central American republics shall be uniform, without re-election immediate, nor any implication, under no motive or pretext whatever. The infraction of this principle is an act violating the national pact.

ARTICLE 6. No one can be a slave within Central American territory, nor can even a foreigner be recognized as such. Should Central American come to possess slaves in a foreign country, he thereby loses his nationality and the protection of the laws of Central America.

ARTICLE 7. Central America guarantees to all its inhabitants the imprescriptible

rights of public meetings, associations, petitions, liberty of printing, of writing, of instruction, and of industry, conformably to the respective laws of each republic.

ARTICLE 8. Every citizen of any of the republics of Central America acquires the rights of citizenship in all the others by the mere act of expressing his wish to do so before any government authority, nor would this act necessarily deprive him of his primitive citizenship.

ARTICLE 9. The right of asylum is recognized for emigrants or political exiles in all the Central American republics, no matter where they come from. To guarantee nevertheless the public tranquillity of the States, without failing to comply with the duties of humanity, the following rules are to be established:

1st. The government granting asylum engages to watch the political conduct of the exile in such a way that he cannot injure in any way the interests of the government of the country whence he comes, without any further requisite than the previous solicitude of the latter, to whom also belongs the qualifications of the persons to whom an asylum ought to be given as political refugees in the territory of the former.

2d. If the government of the State from which the refugee came should solicit his concentration or change of residence, the government giving asylum is obliged to comply, but in case of non-compliance with this obligation, or not deeming the measure a just one, such resolution shall be submitted to the arbitration of national, the authority that may be established, or to that of the three governments neutral to the question, without, however, delaying to concentrate or change the residence of the refugee as demanded.

3d. If, in the judgment of the government making the claim, the vigilance, concentration, and change of residence should not be sufficient to restrain the refugee in his evil doings, his expulsion may be asked for, and the government granting the asylum will agree to so do, provided it think it just and necessary; otherwise its resolution must be submitted to the arbitrate and collective judgment of the other three neutral governments of Central America, or to the Central American authority that may be established.

4th. Extradition for political crimes is prohibited, and even for common offenses, if the refugee has committed political offenses in the country whose government solicits the extradition. The qualification in this case rests solely with the government granting the asylum.

ARTICLE 10. Literary, academical, and military titles, conferred in one of the Central American republics shall be recognized in the others, requiring only the legal proofs of the authenticity of them, and of the identity of the person.

ARTICLE 11. The civil and penal legislation, as well as procedures, shall be in the future the same in all Central America, being at the same time understood that the particular legislatures of each State have a right to modify them in those points in which experience has shown the necessity of reform, according to the peculiarities and interests of each people.

ARTICLE 12. Confiscation is abolished in Central America.

ARTICLE 13. Property essentially is inalienable; consequently, hereafter, entails cannot be established in Central America.

ARTICLE 14. Weights and measures shall be equal for all Central America, as well as the weight and alloy of the coins, which shall follow the decimal system for gold coin, and for those of silver above the value of 25 cents. This will not prevent that for silver coins of less value than 25 cents, each republic may adopt the system of subdivision it thinks best.

ARTICLE 15. The plan of official primary instruction shall be uniform in all Central America, being at the same time gratuitous, compulsory, and conformable to republican and evangelical principles.

ARTICLE 16. When any association, business, or establishment of any kind exists or endeavors to establish itself hereafter for any purpose whatever in any of the republics, and any one of the others judge that it would injure the general interests of Central America, that State has the right to solicit from the national authority, or of the collective arbitration of three States, the resolution of the question, all of them being obliged to make such resolution effective.

ARTICLE 17. The stipulations of the previous article does not include those affairs already arranged, nor those establishments founded in virtue of contracts for the same, which, at the date of this exchange of credentials of this pact, had become law in some of the republics.

ARTICLE 18. The questions of limits, or those that may arise in the future between the republics of Central America, shall be judged and decided upon definitively by the national authority, or by the collective tribunal of the three States, if the parties interested cannot arrange amicably between themselves.

ARTICLE 19. As material ties to establish, foster, and develop the union of Central America, the following are declared to be national undertakings, and will be carried out, viz:

1st. The establishment of a line of telegraphs which, starting from the port of Colon,

in Colombia, will cross the territory of Central America and terminate in the frontier of Mexico. That part of the telegraph to be formed by a submarine cable between Colon and Port Limon, in Costa Rica, shall be paid or subventioned in equal parts by the five Central American republics, and the rest will be paid or subventioned by each republic according to its extension in crossing the territory of the respective States. The right of selecting the points on their limits belongs to the States that are contiguous where they wish the telegraph line to pass, and in case of any disagreement on this point the matter shall be laid before the national authority about to be established for its decision or to the arbitral and collective opinion of the other Central American States. The employés who administer and manage the cable and national land telegraph line shall be appointed by and depend solely on the national authority about to be established, but particular States may appoint their own employés for the exclusive service of their own State.

2d. The construction of a national highway by land which shall unite and put in communication all the capitals of the Central American republics, leaving to the will and possibility of each State the quality and condition of said road within its respective territory; but it must be fit, at least, for carriages drawn by horses. The cost of construction and maintenance of this national road shall be paid by each one of these States, in proportion to the territory affected by it.

3d. The establishment of mail-steamers on the coast of the Pacific, which, leaving Punta Arenas, or any other port in Costa Rica nearer New Granada, shall arrive at Port Champerico or any other in Guatemala nearer to the coast of Mexico, touching in the intermediate ports of the Central American coast. The expenses of the establishment and management of the aforesaid line of steamers shall be borne in equal parts by all the republics of Central America, the use and management of them being dependent solely on the Central American national authority. The excavation of an interoceanic canal by way of the river known as San Juan of Nicaragua, which will be proposed by the Central American authority, or by representation in common of all the States, shall be paid for by subscription, or by shares, among all the governments of the American-Latin people; but should it happen that they cannot furnish the necessary funds, subscription or share lists shall be opened to all the other governments of the world for the purpose of forming a universal transit, but whose neutrality and keeping shall be exclusively in the hands of Central America. It is declared from now henceforth that the duties of transit shall be agreed on by a congress of plenipotentiaries of all the nations contributing, so that a tariff shall be established, making a difference between and in favor of the subjects of those nations that have contributed to the undertaking, and those that have not. This association once formed, the contributing governments shall acquire the right, as has been said, of dictating regulations for the preservation and administration of the canal, as well as to distribute the net profits produced from it. Central America will exercise over said canal the jurisdiction and political sovereignty, guaranteeing to all governments the neutrality and universality of the route.

ARTICLE 20. In consequence of what has been agreed on in the preceding articles, the governments signing this treaty engage to convoke a national Central American congress, which will issue dispositions and laws in conformity with the bases and stipulations laid down, developing and arranging them, and providing for the creation and maintenance of the national authority, which shall give them force in any given case.

This congress will consist of three principal representatives and equal number of *suplentes*, or substitutes, for each State, whose election will be made as each State determines for those that correspond to it; but it must be done in such a way that they may be able to meet three months after the verification of the exchange of ratifications of the present pact.

ARTICLE 21. This Central American congress shall have no power to pass any disposition or law which would augment or diminish the obligations which the present pact imposes on each one of the republics taking part; but it can convoke another national congress, to take place in four years at least, and eight years at furthest; may alter the bases of union according to the common wants and conveniences which experience may have shown to be necessary.

ARTICLE 22. Besides the faculties spoken of, Congress will have to issue laws for the interior, indicate the place of residence of the national authority to be established, decree the budget for the nation as well as its dependencies, agree on the means to carry out the material enterprises which Central America takes in charge, authorizing, if needed, the national authority, can negotiate; either at home or abroad, a Central American loan sufficient to realize them, and finally to determine the amount of military force necessary for the security and honor of the national authority, as well as to preserve order in the population of the place of its residence, not to pass, however, the number of one hundred men.

ARTICLE 23. All the expenses declared in the budget common to the Central American nationality, spoken of in this treaty, shall be paid by all the governments of Central

America in equal parts, in the cases where the mode of providing for them is not expressed. In the same way they will contribute to the support of the guard of honor of the national authority.

ARTICLE 24. The Central American congress will meet in the city of La Union of Salvador, three months after the verification of the exchange of credentials of this pact, and a minority of its members, united, may dictate the means for obtaining the presence of the others, but it cannot declare itself installed to carry out its objects, except with four-fifths of its representatives present. The traveling and daily expenses of the latter shall be determined and paid by the government of the republic which sends them.

ARTICLE 25. In the place designated for the residence of the national authorities about to be established, there shall not exist other armed force than that at its orders, the republic in whose territory it is located engaging itself to have no military jurisdiction over it.

ARTICLE 26. The Central American governments oblige themselves to carry out the stipulations of the present convention in those points which are or may be deemed peremptory for the preservation of the peace in Central America, from the moment of the *canje*, arranging to provide at once for the arbitral and collective tribunal mentioned in this pact, which is to resolve the disputes and differences of opinion contrary to it, until the appearance of the national congress and authority of Central America, which will, in the future, take charge and execute these functions.

ARTICLE 27. Even before the *canje* or exchange of the ratification of credentials, all the governments oblige themselves to preserve the peace and avoid disputes, employing conciliating measures; but if these should not be sufficient, each one of them has full liberty while such *canje* is being made, to act as they think proper, without forfeiting the right to carry out, when the time comes, the union stipulated in the agreement.

ARTICLE 28. All and each of the Central American republics oblige themselves to lay down, sustain, and fulfill all and each of the principles and stipulations contained in the present pact; any infraction of it shall be made the subject of the arbitral and collective judgment of the governments, or of the national authority, which obliges itself to fulfill and cause to be fulfilled.

ARTICLE 29. The governments of the republics of Central America, after the exchange of the ratifications of this treaty, are under the obligation to make it known to foreign governments with whom they are or may be in relations.

ARTICLE 30. The *canje* of the ratifications of this treaty shall be done in the city of La Union of Central America, within three months from the date in which the ministers plenipotentiary assisting agree to sign it, or before, if possible, and its effects will go on taking place among those that have taken part in it, according as they are put into force.

ADDITIONAL ARTICLES.

1st. The punishment of death is abolished in Central America for political crimes, and there shall be established as soon as possible, on one of the islands of the Central American coast, a general penitentiary, for the reception of such criminals as the particular legislatures may send to, without prejudice to the penitentiaries which each State may erect for itself.

2d. The representative of the government of the republic of Nicaragua not having assisted at this congress, the minister plenipotentiary of Costa Rica will take upon himself to visit the city of Managua and present to that government the present pact, for the purpose of obtaining the adhesion of that government to it, in which case its effects will be equal over all Central America, just as if Nicaragua had assisted at the congress as one of the signers. In case she refuses, the effects stipulated in Article 19 remain of no account, i. e. with respect to the establishment of telegraph lines, national road, and interoceanic canal.

In witness of the above stipulation we, the aforesaid ministers plenipotentiary, sign five copies of the same tenor in the city of La Union of Central America, with the aforesaid date, and in the year fifty-one of the independence of Central America.

R. RAMIREZ.
MAXIMO ARANJO.
J. J. SAMAYOA.
MARTIN MERIDA.

No. 399.

Mr. Biddle to Mr. Fish.

No. 39.]

LEGATION OF THE UNITED STATES,
San Salvador, April 10, 1872. (Received May 4.)

SIR: I have the honor to transmit to you herewith a printed copy and translation of a proclamation of the President of Honduras, against the government of Salvador, dated the 25th of March last, with a rejoinder from President Gonzalez, of the 5th of April instant, and also official correspondence, the basis of the foregoing.

In an interview yesterday with the President of Salvador he thus expressed himself:

Please send to your government the proclamations; the bare perusal of them will be my justification. I labored for peace, and withstood every indignity to that end, as the correspondence published proves, when war is made inevitable by its substantial declaration by a State with which we would fain have been friendly.

Thus hostilities are at last imminent. Honduras declares non-intercourse with Salvador, proscribes her people, places herself on a war-footing, and challenges invasion, and why? Because Salvador did not authorize a minister sent to negotiate for the recon federation of the States of Central America to treat also of war-claims for indemnity of Honduras; because of the late treaty of amity, commerce, and defense between Salvador and Guatemala, and also, that discontented citizens of Honduras had found asylum and countenance here.

The reply of Salvador has the calmness of strength and the simplicity of truth. It admits no claims, for Honduras has declined to *specify them*, and the known balance is in favor of Salvador, as the "correspondence" attached hereto exhibits. Salvador requested merely a bill of particulars. Honduras disdained the idea. The objectionable treaty with a sister republic was one of amity and commerce, and at most of defense, as by my dispatches Nos. 27 and 35. Salvador labored for peace and for union, while Honduras declared war. As to the refugees received, they fell under no clause of an extradition treaty or principle of international comity. They were no culprits, but intelligent citizens who sought asylum in Salvador from the promise of its institutions. In a word, the impulsion to the war lurks below the surface. The liberalism of Salvador and Guatemala is odious to the conservatism of Honduras, wherein the Jesuitical influence predominates. President Medina, moreover, has been spurred by angry factions, who have more than once threatened his destruction, and in a foreign war he seeks diversion from domestic peril. Salvador has not been the aggressor. Her material interests all cry for peace; her people are industrious, and just as a bright vista of hope seemed dawning, Honduras shouts havoc! and war to the knife.

I append a call for troops by President Gonzalez at the rate of two per cent. to the population, an excess over the peace establishment; constitutionally justified by the exigency.

The Honduran soldiers have a high character for discipline and valor, but Salvador can levy more numerous forces, and she also has financial advantages. A collision will probably soon occur, and through the vicissitudes of the war I will endeavor so to act as to merit your approval; sympathizing with right and progressive freedom, yet not involving our country in unauthorized complications. The question of the neutrality of the line of the Honduras railway is well postponed until the date of its completion.

The map discloses what a strategic advantage a neutral cordon of

such extent must be to Honduras whenever invaded, and it threatens in some indirect way or other to involve the nation guaranteeing in each of the continuous wars which desolate these unhappy lands.

I have, &c.,

THO'S BIDDLE.

[Inclosure 1.—Translation.]

José Maria Medina, captain-general and President of the republic :

Considering that the unjustifiable procedure of the government of Salvador, denying, notwithstanding its authenticity, the power given to its minister the Señor General Licenciado Don Juan José Samayoa to arrange the liquidation of pending accounts between that and this republic, relating to the last war, it made the affairs of this with that government indecorous and humiliating, and, consequently, all good understanding became impossible.

Considering that, notwithstanding the pacific attitude preserved by this government and its efforts to introduce the observance of the rules of the laws of nations, regarding the subjects aforesaid, it is notorious that Marshal Gonzalez, the Salvadorean President, to the disquietude of Honduras, lends aid and comfort to political refugees and those discontented with the administration.

Considering that a treaty, celebrated by the governments of Salvador and Guatemala, has been made public, highly threatening to Honduras, and to the peace and tranquillity of all Central America; and it being a duty of the executive power to take all the preventive measures which circumstances demand to save harmless the national independence in all its vigor, the public order, conformably to Article 35 of the constitution, sections 1 and 10 :

I decree :

ARTICLE 1. Official relations between Honduras and Salvador shall be closed, and also private relations between the respective citizens, until friendly relations between the governments are restored.

ARTICLE 2. The authorities and managers at the frontiers shall prevent the entrance of Honduran emigrants, and of suspected persons who come from abroad. Within, locomotion is prohibited without passports duly procured.

ARTICLE 3. The republic of Honduras places itself in a state of defensive war against whatever invasion.

ARTICLE 4. In the least possible time the national army shall be raised consonantly to the legislative decree of the 9th of the current month.

ARTICLE 5. Authorities and private individuals, neglectful in the service of the republic, shall be treated as enemies.

ARTICLE 6. Those who conspire against the interior or exterior security, aiding the enemies of the government, and having relations with them, shall be judged by military law.

ARTICLE 7. So soon as an invasion commences, and for its duration, a state of siege shall exist, and the invaders be opposed in every possible manner.

ARTICLE 8. Whoever gives aid and comfort to the enemy shall be shot by any military chief, with the previous testimony of two witnesses at least, and the hearing of the accused. The property of those compromised with the invasion shall be applied to the expenses of the national defense.

ARTICLE 9. All the responsibility of the war, in case of the invasion of the Honduran territory by forces or parties proceeding from Salvador, shall fall with all its consequences upon the government of that republic.

ARTICLE 10. The ministers of state are charged with the publication and enforcement of this decree.

Given in Comayagua in the government house the 25th March, 1872.

JOSE MARIA MEDINA.

The Minister of Interior and of Foreign Relations,

MANUEL COLINDRES.

The Minister of the Treasury and of War,

RAFAEL PADILLA.

[Inclosure No. 2.—Translation.]

[From the Boletín Oficial de Salvador, of 6th of April, 1872.]

The President of the republic of Salvador :

Considering that the government of Honduras has revealed its reactionary and hostile efforts against the liberal institutions which are implanted in Salvador, and

that, in search of some pretext, has stamped in its blindness as antagonistic to the independence of Central America the treaty lately celebrated with Guatemala, when it is nothing less than the confirmation of republican principles, and the germ of prosperity and hope for these countries.

Considering that, equally, it has served as a pretext for the inexplicable conduct of that government, the having been rejected as informal, unjust, and groundless the claims for imaginary indebtedness, which, perhaps dissemblingly, that government presents as justifiable.

Considering that by such specious pretexts it has closed its political relations with this government, has prohibited private transactions between individuals of the two republics, and has called the people to arms, which conduct places this government under the imperious necessity of dictating convenient measures for guaranteeing the interests, the liberty, and independence of the nation, in conformity with article 78 and sections 1 and 2 of the 47th article of the constitution, I have thought fit to decree, and it is decreed:

ARTICLE 1. Every Salvadorian, saving the legal exceptions, is obliged to take up arms, whenever required, to defend the independence of the republic and its territorial integrity. Consequently the nation places itself on a war-footing, from this date being severed the political relations with the government of Honduras, and such other as may give the enemy news of the interior condition of the republic of whatsoever nature.

ARTICLE 2. The infraction of the final clause of the preceding article, the dissemination of false or terrifying rumors, and every action which tends to lessen the efforts of the authorities, shall be punished as the crime of treason, conformably to the existing laws.

ARTICLE 3. No person can travel from one department to another without a passport given by the governors or alcaldes of the district, under the penalty of being suspected, and committed to prison until proof of innocence.

ARTICLE 4. Governors, &c., to be responsible for the enforcement of this decree, which is to be enforced from the date of its promulgation.

Given in San Salvador, at the national palace, the 5th of April of 1872.

SANTIAGO GONZALEZ.

The Minister of the Treasury and of War,

BORJA BUSTAMANTE.

In the absence of the Minister of Foreign Relations, the Chief of Bureau,

RAFAEL REYES.

The Chief of Bureau of the Ministry of the Interior,

FRANCISCO E. PALINDO.

[Inclosure No. 3.—Translation.]

[From the Boletín Oficial, April 6, 1872.]

The President of the republic of Salvador:

Considering that the basis established by the eightieth article of the constitution for the national militia is insufficient, under the circumstances which now threaten the sovereignty and independence of the republic by an armed invasion of the government of Honduras, at the same time that insensate attempts of domestic rebellious reactionaries are apprehended; and considering, moreover, that the eleventh section of the article 47 of the same constitution, providing for this contingency, empowers the government to raise the greatest force which it may consider necessary, and in order to save the community the inconvenience from irregular enlistments, as it is best to organize at once the national militia upon a proper and regular system, he has thought fit to decree, and decrees:

ARTICLE 1. The militia of the republic shall be organized with the utmost celerity, at the rate of 2 per cent. to the population, and consonantly to existing laws upon the subject.

ARTICLE 2. This temporary arrangement shall have effect from the date of its promulgation, and shall become inoperative with the cessation of the reasons for compelling it, the militia then being reduced to the veteran force.

Given in San Salvador, at the national palace, the 2d of April, 1872.

SANTIAGO GONZALEZ.

The Minister of the Treasury, War, and of the Navy,

BORJA BUSTAMANTE.

No. 400.

Mr. Biddle to Mr. Fish.

No. 42.]

LEGATION OF THE UNITED STATES,
San Salvador, April 19, 1872. (Received May 18.)

SIR: Referring to my No. 39 and its inclosures, I have now the honor to transmit to you a copy and translation of a circular from the ministry of foreign relations of Salvador, dated the 8th of April, instant, addressed to the governments of Central America, informing them of the close of official relations with Honduras, and the imminence of actual war. It concisely reviews the conduct of Honduras, animadverts on its whole course, and presents the justification of Salvador.

On the 10th instant, also, President Gonzalez addressed to his fellow-citizens and to the people of Central America a "counter-manifest," in reply to that published by the President of Honduras, a copy whereof is hereto annexed, in which the arguments of the first-cited circular are elaborated with documentary illustrations.

I also transmit for your information a copy and translation of an anonymous circular, but which is supposed to be the production of a leading opposition senator, * * * in which the course of President Gonzalez is severely criticised as unconstitutional, it being the prerogative of the congress to declare war, make peace, and to authorize voluntary or forced loans. Banishment from the State is restricted to cases which have received judicial sanction. On the other hand, the government party contend that the first, second, third, ninth, tenth, eleventh, and seventeenth sections of the forty-seventh article of the fundamental law justify the action of the President in the emergency. (See my dispatch No. 13, upon the constitution.) The truth is, dangerous re-actionary elements begin to appear, and the fortunes of war will probably expound the existing constitution and resolve the fate of the government, as throughout this century they have done in Central America. I believe President Gonzalez to be a pure patriot and honest man. I believe he has been driven into a war which he would fain have avoided; but what the political result may be it is impossible to predict. Allied with Guatemala, and encouraged with the prestige of victories within one year of this date, the cause of Salvador is hopeful, while the forces of Honduras have a high reputation as soldiers and are comparatively numerous. Salvadorean troops are massing at Chaletenango and at Sensuntepeque, but no battle has yet occurred.

Proceedings against the Jesuits have fallen into abeyance, and the few here are not as yet disturbed, notwithstanding their having received notification to quit. The individuals banished have been those against whom specific charges existed.

I have, &c.,

THOS. BIDDLE.

[Inclosure No. 1.—Translation.]

[From the *Boletin Oficial* of Salvador of 11th April, 1872.]

[Circular to the governments of Central America.]

NATIONAL PALACE, MINISTRY OF FOREIGN RELATIONS OF THE
SUPREME GOVERNMENT OF THE REPUBLIC OF SALVADOR,
San Salvador, April 8, 1872.

SEÑOR MINISTER: The supreme government of Honduras, by decree of the 25th of last March, has closed its official relations with the government of Salvador and has

prohibited every kind of communication between the two republics, placing itself in an attitude of war.

For some time the government of Honduras has labored more or less covertly to change its relations with this republic, and under the guise of peace has constantly been making warlike preparations to that end.

The government of Salvador would have had abundant reasons to ask explanation from Honduras of such conduct not in harmony with the spirit of cordiality and frankness which should exist between two friendly governments; but it has been compelled to observe in this respect the most prudent reserve, confident that, conserving the best relations with the government of Honduras, and not having desire to quarrel, it might not be possible that that government should assume with respect to Salvador an attitude plainly hostile.

To cloak such a proceeding, the government of Honduras has seized as pretexts to the negating by this government of unfounded claims, and of the conclusion of a treaty between this republic and that of Guatemala. These causes cannot serve as any foundation to justify the terms of the referred-to decree, for this was promulgated even pending the deliberations on claims, and as to the celebration of the treaty, besides such not being a cause of war consonant to the principles of international law, the government of Honduras has not initiated any reclamation in this respect. For the rest, the government of Salvador is disposed to work agreeably to that demanded by the public order and by the national dignity and honor.

The remaining terms of the cited decree comment upon themselves, and one feels, Señor Minister, that in one section of Central America governmental acts may be marked with little accord with the beneficent and humane principles which the cause of civilization has conquered in the lapse of time.

The Salvadorean government has directed the measures which circumstances demand for the national defense, and, in the mean time, it is pleasant to continue cultivating the most friendly and fraternal relations which exist, and should exist, between Salvador and the government of your republic, where it will be understood that the attitude which this government has finally assumed, in virtue of the unjustifiable course of the Honduran cabinet, cannot in the least affect the interests of your country nor Government.

Especially presenting this to the knowledge of the government of your republic, through the worthy instrumentality of yourself, I subscribe myself, (in the absence of the minister chief of section,)

RAFAEL REYES.

To the Honorable Señor MINISTER OF FOREIGN RELATIONS
Of the Supreme Government of the Republic of ———.

[Inclosure 2.—Translation.]

The revolution which triumphed in Santa Ana a year ago had for its foundation that guarantees were trampled upon, that the public liberties had disappeared, and that it was necessary by that means to redeem them or to conquer them. The resolutions of the villages abound in charges against the fallen administration, and the messages contain the detail of all the causes which compelled the revolution. Then was hastened the convocation of a constituent congress, and the provisory government anticipated itself in declaring the liberties intrusted.

The constituents, possessed with the same sentiments, full of patriotic fire, and knowing the evils it was necessary to remedy, decreed the constitution of the 16th of October, 1871, and, satisfied with their work, retired to their hearths, confident of having assured the rights of the Salvadoreans, and that a law so instituted would be respected and obeyed. But where are now those liberties? Where those guarantees? As yet the constitution has not lasted a year—fresh even the ink with which it is written—and that fruit of the griefs and tears of families, of the blood shed in this crisis to the whole republic, has almost disappeared. Such and so oft-repeated attacks has it suffered in the few days of its existence.

A treaty was celebrated with Guatemala wounding it in its most vulnerable part, arbitrary imprisonments have been made, individuals have been banished without judicial process, and loans are solicited without the corresponding authorization; and, that there may be no doubt that there does not exist any constitutional order, a decree of the executive has been distributed to the four winds which declares the nation in a state of war, infringing the precious guarantee which Salvadoreans have for free locomotion.

It may be said that such a measure is a just retaliation against the government of Honduras in consequence of its decree of the 25th of March last passed; but this is merely preventive, and perhaps the result of the preparations for war which they have been making in the city of San Miguel; and who knows but that it has been influenced by the denunciations made in the newspaper *El Porvenir* of Nicaragua, which declared

that nothing less than a crusade was planning to make of Honduras another unhappy Poland.

But let this be as it may, that which we propose to demonstrate is that the decree of our government is unconstitutional and threatening to individual guarantees, and we proceed to prove it. Among the attributes of the legislative power one finds the fourteenth section of the thirty-sixth article of our charter, which thus provides: "To declare war and make peace with regard to the *data* supplied by the executive authority;" but where are the *data* by virtue of which the legislative authority has declared war. If the declaration does not exist neither should war exist, and if this is not legally declared, still the less is there power to impede free locomotion demanding passports, for this is a result to the state of siege, which can only be imposed by the legislative authority as by the twentieth section of the aforesaid article.

The law of the 30th October, 1871, provides as to the condition of siege, (and, be it understood, a siege legally declared,) that only in those places to which it extends shall be suspended the guarantees of *habeas corpus*, free locomotion, and the right to assemble, (article 5;) but in its first article the same law provides, "the state of siege may be declared when the republic finds itself in a foreign war, and in this case can impose it upon the populations threatened by the enemy, and in case of invasion, to places continuous to points invaded." All these provisions the decree of the 5th of the present month has violated, wherefore we believe it not only unconstitutional but also threatening to the individual guarantees; and this being certain, we are able to say, with article 125 of the constitution, that, "neither the legislative authority, nor the executive, nor any tribunal or authority, can restrain, change, or infringe any of the proclaimed guarantees, and whatever power or authority encroaches upon them shall be deemed as usurper."

In demonstrating the unconstitutionality of the decree in question, we do not propose to weaken the action of the government, but to preserve the national independence and honor; on the contrary, we desire that our government shall conform its actions to the law, so that its dispositions may bear the desired fruit.

But let us undeceive ourselves. The profound distrust which is felt in the whole republic has no other cause than that the sacred code of our rights has been violated, the precious fruit of so many sacrifices. Liberty without law is confusion, it is chaos; without this element it is only a reign of terror or the silence of despotism, but against that reign and that terror the people ever protest, for they cannot exist with the loss of their liberties and rights. Law is the supreme necessity to republics, as it upholds property and life, and upon its fulfillment existence itself depends.

Napoleon the Third seized the liberties of France, and, as a distraction, brought the French to the battle-field to conquer lands; but Napoleon lost a throne, and France its prestige and its glories. Let us preserve our liberties and laws, and despise laurels which always wilt when fails the dew of reason and justice.

A FEW SALVADOREANS.

SAN SALVADOR, April 12, 1872.

[Inclosure No. 3.—Translation.]

TO THE PUBLIC.

By verbal order, as it has not been possible to secure a written one, the President of this republic banishes me without any legal sanction. Against so arbitrary a measure I protest as contrary to the constitution which protects all the inhabitants of the republic, leaving until the proper time reclamations for damages against him causing them.

I am accused of the disorders in Apopa on Good Friday. If the government investigates it will discover my innocence, which my parish unanimously declares, and it will appear that the quarrels of two neighbors and the pliant credulity of President Gonzalez have formed this tempest against truth and justice.

The priest,

THOMAS MARTINEZ.

No. 401.

Mr. Biddle to Mr. Fish.

No. 43.]

LEGATION OF THE UNITED STATES,
San Salvador, April 20, 1872. (Received May 18.)

SIR: Referring to the correspondence between the Department of State and this legation relative to the asylum and conditional surren-

der of Ex-President Dueñas, comprised in dispatches Nos. 45 and 48 (with inclosures) of my predecessor, and in your reply No. 33, I have the honor to state that, held a close prisoner in the military college, charges were preferred against him to the congress for various malfeasances in office, including not only usurpation of office, peculations and misappropriation of funds, nepotism, &c., but also the charge of assassination in unlawfully causing Ex-President Barrios to be shot to death. After a protracted investigation, the particulars of which have not transpired, the senate resolved itself into a sort of a grand jury, and presented the case to the ordinary tribunals for final determination. I was informed by the minister of state for foreign affairs that the trial might be expected within a reasonable period. There is a strong feeling against the ex-President among a large body of the community, and in these days of war with Honduras there is a renewal of the popular excitement as at this date of last year. I have heard many cautious men express the belief that the trial will end in his being sentenced to death. * * * I am told that the charge of assassination is not within the seven regular accusations, but was included in those submitted to the courts.

I have been able to obtain no further *data* of the action of this legation in the case than that now in the possession of the Department.

I would respectfully invite your attention to the following extracts from General Torbert's dispatch No. 45:

I offered him (Dueñas) the protection of the legation, and that I should demand of General Gonzalez a complete guarantee for his life; about 6.30 p. m. he came to my house, &c.

As soon as General Gonzalez entered the city I waited upon him and asked him that he would not allow any political executions; he cheerfully and positively assured me that there should not be one, and that he would answer for Señor Dueñas's life with his own.

By General Torbert's dispatch to you, No. 48, and by the correspondence inclosed therein, it seems that in the surrender of the ex-President to the authorities it was understood "that in no case will Señor Dueñas's life be forfeited," on account of the solemn guarantee of the supreme government and the personal assurance given him by the President himself.

I also present the following as a more accurate translation of the pledge made by Señor Arbiza to General Torbert, in his communication of the 20th April, 1871, as inclosed in the referred-to dispatch, and stronger for Dueñas than that in the published "Papers relating to the foreign relations, December 4, 1871."

(Fourth paragraph.) The honorable minister of the United States must rely upon the formal assurance which the government gives him by these presents that the life of Señor Dueñas will be respected as far as it may be in its power to avoid any attempt against it, *the same as in any other event*, and that he will be kept in custody without causing him unnecessary annoyance.

The first translation might be construed to apply to the excited mob, but the latter to "*any other event*."

I believe the President of Salvador to be mercifully inclined, and I have seen his approval and that of the minister of foreign relations, when I have told the story of our regenerated republic and terrible war without one political execution, not one victim whom exasperated partisans could call martyr, but it was unwise as well as impracticable to anticipate the result of this special case.

For the present, with the increasing excitement here, a knowledge of the past, and of the Spanish-American races, it is impossible to predict

what may be, but there is a great uneasiness expressed as to the fate of Dueñas.

The case seems to hinge upon the compact made with General Torbert at the date of his surrender. Am I to construe it as a guarantee for Dueñas's life, binding on this government at all events, or as an assurance that when the effervescence of first fury was over, the case should be submitted only to the regular tribunals, as now, after the expiration of a year? The only evidence is in the dispatches in your possession.

Article 112 of the constitution provides, "that the death penalty is abolished in political cases, and only can be inflicted for the crimes of *assassination*, assault, and arson, when death ensues."

Praying your indulgence for thus trespassing on your valuable time, in requesting general instructions for guidance in this case,

I have, &c.,

THOS. BIDDLE.

No. 402.

Mr. Biddle to Mr. Fish.

No. 48.]

LEGATION OF THE UNITED STATES,
San Salvador, May 11, 1872. (Received June 19.)

SIR: I have the honor to transmit to you herewith a copy and translation of a communication, and of its inclosures, dated the 3d May instant, received from the minister of foreign relations of Salvador, informing me of the declaration of war with Honduras and of the proclamation of President Gonzalez thereof, and also of his address to the people of Salvador and to those of Central America upon the same subject. On the morning of the 5th instant the President left the capital for the frontiers at Chalatenango, to direct in person the military movements. When he crosses the boundary the government will be assumed for the time being by the Vice-President, Señor Manuel Mendez.

I visited him the evening prior to his departure. He spoke of his deep regret at having been thus forced into war, and that he hoped for an early peace. To attain which I proffered cordially any friendly services which I might be able to render both States with propriety in my official position. He said that he would gladly accept my kind offer at the propitious time.

The successes thus far have been signally for Salvador. General Espinosa writes from Pasaquina, as follows:

Yesterday, the 1st of May, I have invaded the Honduran territory. The invading forces met the enemy a little beyond the river Gouscoran, and after a short combat the enemy were completely routed, leaving four dead on the battle-field, besides wounded, &c. To-morrow, May 3, I propose invading Honduras with my whole command, as all obstacles to my advance seem overcome.

Meantime General Estrever, with the army at La Union, marched toward Amapala.

The President Gonzalez will combine his operations upon the Honduran province of Gracias, along with his ally President Grauados of Guatemala. Nacaome, a small Honduran town, has fallen before the march of the forces of General Estrever. The most important success, however, is that of General D. Juan Antonio Medina, of Salvador, who overcame General Velez, in Sabana Grande, on the 6th instant. The enemy left a number on the field, both killed and wounded, six hundred

Chassepot and Remington rifles, a piece of artillery, and a hundred and fifty animals. The famous Garcia, of Curaren, was made prisoner. General Medina marched next on Tegucigalpa, all the department of Choluteca remaining without forces of the enemy. General Espinosa then marched upon Comayagua, where he expects no resistance.

Two important positions have thus been acquired, and President Medina separated from the departments of Choluteca, Tegucigalpa, Paraíso, Comayagua, and Olancho. With a just cause and the prestige of success, we may hope for an early dawn of peace.

I have, &c., &c.,

THO'S BIDDLE.

[Inclosure No. 1.—Translation.]

Mr. Arbizu to Mr. Biddle.

MINISTRY OF FOREIGN RELATIONS OF SALVADOR,
San Salvador, May 3, 1872.

MR. MINISTER: By the decree which I have the honor to transmit by the present opportunity you will see that the government of Salvador, consulting its interests, has found itself under the necessity of accepting the state of war which the government of Honduras, presided over by General Don José Ma. Medina, has provoked.

The reasons of this government for that resolve are comprised in the "considerations" of said decree, a determination which has been forced by the most imperious necessity, to which it has been indispensable to sacrifice momentarily the peace of these countries.

In this connection, I have the honor to repeat myself, with every consideration, your obedient servant,

GREGORIO ARBIZU.

[Inclosure No. 2. — Translation.]

PROCLAMATION OF WAR.

Santiago Gonzalez, field marshal, constitutional president of the republic of Salvador, considering—

1st. That the government of the republic of Honduras, by decree of the 25th of March last, has declared itself in a state of defensive war toward Salvador, which implies an actual declaration of war, reserving to itself the advantages of the defensive.

2d. That the rupture of official relations with this cabinet, considering them indecorous and humiliating, and the exaction by the legislative body of Honduras of guarantees for the payment of pretended indebtedness, has inflicted grave injuries upon the government and people of Salvador, with whom, besides, it has prohibited private relations.

3d. That in asking reparation for such injuries, unexampled in our history, we cannot use diplomatic means, whose object would be to avert the greater evils, accruing from the violent rupture of official relations.

4th. That, apart from this, it is of public notoriety that the government of Honduras conspires constantly to change the public order in Salvador, and in our friend and ally the republic of Guatemala, the principal object of which is to uproot the republican institutions which sway in both republics, to which end it has collected all the elements which in Central America oppose liberal principles.

5th. That threatenings from the government of Honduras are perpetual, that even before the promulgation of the said decree of the 25th of March it maintained forces upon our frontier, and clearly manifested the tendencies of that government to disturb at every hazard the peace of Salvador, and, although it had not openly declared war, it secretly prepared for the strife for some time, and arranged also to precipitate itself upon this country at a moment least expected.

6th. That all hope is lost of re-establishing friendly relations between both governments, by the mediation of friendly powers, because, having adverse interests, and seeing the said decree, tantamount to a declaration of war in full peace and under futile pretexts, we have arrived at the conviction that with such antecedents it is impossible to establish peace based upon any confidence inspired by that government.

7th. That this alarming state of affairs has made it of the last necessity for this gov-

erment to raise and maintain upon a war-footing a respectable army, which weighs upon the exchequer, and upon the people, it becoming every day more urgent to settle in some way the difficulties created by that government.

8th. That public opinion imperiously demands the prompt solution of these questions, from the great depression suffered in the anomalous condition of affairs by labor, commerce, and particularly agriculture, which is the life of these people.

9th. That finally the honor and dignity of the republic, cruelly outraged, the pressure of circumstances, the imperious necessity for ending the emergency, the view of avoiding financial and industrial evils to the republic, the obvious convenience of at once destroying the evil, which soon would occasion greater difficulties to Salvador, the truly exceptional predicament in which the government of Honduras has placed this republic, has decided this government to make the best of the circumstances, and obliged it to declare its course in the case, consulting as paramount the public interest.

Therefore, and after slow and mature deliberation, resolving in so critical a condition of affairs to preserve the dearest interests of the republic, I decree:

ARTICLE 1. The republic of Salvador declares itself in a state of war against the government of the republic of Honduras.

ARTICLE 2. Consequently, through the proper channels, measures will be adopted for the national defense.

Given at San Salvador, in the national palace, the 25th day of the month of April, 1872.

SANTIAGO GONZALEZ.

The Minister of Foreign Relations,

GREGORIO ARBIZU.

The Minister of the Treasury and of War,

BORJA BUSTAMANTE.

The Minister of Public Instruction,

MANUEL MENDEZ.

The Chief of Bureau in charge of the Ministry of the Interior, (Gobernacion),

ANTONIO G. VALDEZ.

[Inclosure No. 3.—Translation.]

ADDRESS OF PRESIDENT GONZALEZ.

Santiago Gonzalez, field-marshal and constitutional President of the republic, to the people of Salvador and to those of Central America:

There are times in the lives of nations when equilibrium and harmony are disturbed, necessary conditions of peace, and it becomes necessary to re-establish them by violent means, to insure the tranquil enjoyment of these blessings, and that the nation may preserve its autonomy and dignity in the eyes of the world.

Salvador unhappily finds itself at this time in one of these exceptional positions, and an imperious and irresistible necessity impels it to take up arms to assert the dignity of its flag.

The government of General Medina, which has for eight years oppressed our sister and friendly republic of Honduras, after having collected all the remaining colonial elements in Central America, with the intention of drowning in blood the liberal institutions implanted here and in the republic of Guatemala; after having intrigued for a civil war in both countries, and its efforts having been baffled by public opinion; after, in fine, having accompanied with insulting threats a claim for pretended debts, with the design to create a conflict; at this date, in derogation of peace, and without lawful cause, he has promulgated the decree of the 25th of March, breaking abruptly official and private relations, and having "deposited his authority," has placed himself at the head of an army to commence a campaign.

However monstrous might be that document, if it merely had for object to disturb the sincere friendship which has always united Salvador and Honduras, faithful to its proposition to conserve the peace so necessary to these people, this government would confine itself strictly to the right of reprisals. But the government of General Medina has wished to fill the measure of provocations; it has called to arms the Honduran people; it has declared itself in a state of defensive war toward Salvador; it has augmented to the extent of its power the forces with which for some time it has menaced our frontiers; and, as if this did not suffice to raise the national pride of the Salvadoreans and impel them to combat, in the "considerations" of the decree he has perpetrated one of those injuries which the majesty of the nation cannot endure; he has intended to inflict upon the honor of the country a stain which with men and nationalities only blood can wash away. General Medina has permitted himself to qualify as indecorous and humiliating to his government political and private relations with

this heroic and honored nation, which in the half century of its existence presents itself to the eyes of history unblemished by a faithless act.

The honor and dignity of the country arouse before the political audacity of the government of Honduras, and it becomes necessary to exact a full satisfaction in vindication of our outraged honor. Much as would this government desire to attain this desired result by diplomatic means which civilization has established; but the cabinet of Comayagua has closed the door to every pacific solution, severing the relations; and besides, it is logical to deduce from the premises that it designs to kindle war with Salvador at every cost, and upon frivolous pretexts.

In such a state of affairs it becomes indispensable to strengthen the national defense, and consequently a respectable army has been organized which demands constantly many supplies.

The Salvadorean people, essentially agricultural and industrial, neither can nor ought longer to support the uneasiness which is felt in all classes of society, and makes it necessary to extricate itself as quickly as possible from the embarrassment which the government of General Medina has dared to interpose to its march of progress.

These are, people of Central America, the weighty motives which have obliged this government to issue the decree of the 25th instant, accepting the war which, with as much audacity as injustice, the government of Honduras has provoked. So the honor of the republic exacts the preservation of our institutions, our agricultural and industrial interests, the indignant public opinion, and the lamentation of the Honduran people which for so many years has groaned under the lash of a President who, in his insatiable thirst for blood, appears to have declared himself the irreconcilable enemy of mankind.

Once again in Central America will be seen on the battle-field liberty and tyranny. Victory will crown our efforts, for on our side will contend our just cause, and the regenerate principles of humanity, sustained by the warlike people over whom I have the honor to preside, fighting in unison with our ally, the republic of Guatemala, and with the sympathetic though unhappy population of Honduras, who will see our flag as the symbol of political redemption.

Salvadoreans! in this emergency the government that, without distinction of party, you will come to contribute to the triumph of this cause, which is a national cause, to show to the world once more that a community of citizens is invincible when it strives for those two great things graven on the heart of every man, and under whose influence all heroes are created—liberty and our country.

SANTIAGO GONZALEZ.

No. 403.

Mr. Biddle to Mr. Fish.

No. 49.]

LEGATION OF THE UNITED STATES,
San Salvador, May 11, 1872. (Received June 19.)

SIR: I have the honor to inform you of the arrival in this capital of Señor Don Evaristo Carazo, as envoy extraordinary and minister plenipotentiary from Nicaragua to Salvador, Guatemala, and Honduras, to offer the mediation of that republic for the restoration of peace.

Señor Carazo seemed impressed with the necessity of the course forced upon Salvador, but hoped that affairs might drift toward peace after a short war. I told him that this was my own earnest hope, and that I should be glad to co-operate in any honorable effort to reconcile the belligerents which might not compromise the neutrality or subsequent policy of my country, and at his request I wrote a letter to United States minister at Guatemala, as per copy inclosed herewith, inviting his attention to the fact that peace proposals were being presented by Nicaragua to that republic.

I am, &c.,

THOS. BIDDLE.

Mr. Biddle to Mr. Hudson.

[Inclosure.]

LEGATION OF THE UNITED STATES,
San Salvador, May 3, 1872.

DEAR SIR AND COLLEAGUE: At the instance and request of Señor Don Evaristo Carazo, of Rivas, Nicaragua, who, as envoy of his government, has proceeded to Salvador, and is going to Honduras to offer the services of his government as mediator in the present complicated and threatening situation of these countries, I have the honor to inform you that, by this opportunity, he conveys to the government of Guatemala proposals for co-operation in behalf of the peace of these States, to which he invokes your good offices so far as may be consistent with your official duty and discretion.

I said, for my own part, to Señor Carazo, that while prohibited from entanglements with local politics, I felt sure that any efforts to avert these frequent and disastrous wars would receive the approval of my Government.

I added, that war being declared and armies passing to the frontiers, I feared the task of reconciliation was now difficult, but that much might be done to abridge its duration and mitigate its horrors.

I am, &c.,

THOS. BIDDLE.

Hon. SILAS A. HUDSON,
Minister of the United States, Guatemala.

No. 404.

Mr. Biddle to Mr. Fish.

No. 52.]

LEGATION OF THE UNITED STATES,
San Salvador, May 20, 1872. (Received June 19.)

SIR: I have the honor to inform you that at Sensuntepeque, in this republic, on the 10th May instant, President Gonzales issued a proclamation depositing the government with the Vice-President, Doctor Don Manuel Meudez, while placing himself at the head of the army to direct in person military operations, agreeably to articles 42 and 47, section 10, of the constitution of Salvador.

General Don Ricardo Streber officially announced that, on the 7th of May, he had occupied Amapala by its capitulation.

Thus the key to the Pacific for Honduras has been taken by Salvador, and without bloodshed, which lends another hope for early peace.

Generals Osorio and Delgado, of Salvador, overcoming opposition, have triumphantly entered Tomala.

On the 15th of May Marshal Gonzales, with his army, occupied Gualanse, without a battle, the garrison having retreated upon Gratias.

Official news comes through La Union that the cabinet of Honduras have fled from Comayagua for Omoa, on the Atlantic, leaving behind supplies and munitions of war with the Salvadorean General Espinosa, rapidly advancing upon the capital. Meantime, on the 12th of May instant, Celeo Arias, a citizen of Honduras, in the interest of Salvador, has proclaimed himself as the provisional President of his country, and it is said that he has been unqualifiedly accepted by the departments of Comayagua, La Paz, Tegucigalpa, Paraíso, and Choluteca.

The latest official news is that General Osorio, of Salvador, communicates through Chalatenango, from the army marching on Gratias, thus: "Medina flies at the approach of our forces. Gratias will be held by us the day after to-morrow."

All of this information has been supplied to me as authentic, by Acting President Mendez, having been officially received from the commanding generals.

I am, &c.,

THOS. BIDDLE.

No. 405.

Mr. Fish to Mr. Biddle.

No. 22.]

DEPARTMENT OF STATE,
Washington, May 24, 1872.

SIR: Your dispatch No. 43, of the 20th ultimo, relative to the case of Ex-President Dueñas, has been received. It is learned from it with regret that, despite the assurances given to your predecessor, the life of that personage is endangered, by a charge of assassination against him for ordering the execution of Ex-President Barrios. How such a charge in such a case could have been made, or can be sustained, is inconceivable upon any received definition of that crime. We understand assassination to mean killing by surprise or secret assault. This is believed to be its import in countries where pains are taken to be accurate in the use of words, and where it is regarded as important for the public welfare to discriminate between crimes. The head of a state who sanctions a public execution cannot, legally or otherwise, if precision in the use of language be desired, be regarded as an assassin. You will consequently diligently watch and promptly report the proceedings against Dueñas, and, if his life should be imperiled, you will remind that government of the pledge given to General Torbert, and will state that it is expected that pledge will be observed. It is obvious from your reference to the constitution of Salvador that Dueñas cannot legally be executed for a political offense. It is equally plain that he should not be executed, even if absurdly convicted of the charge of assassination.

I am, &c.,

HAMILTON FISH.

No. 406.

Mr. Biddle to Mr. Fish.

[Extract.]

No. 55.]

LEGATION OF THE UNITED STATES,
San Salvador, June 10, 1872. (Received July 18.)

SIR: I have the honor to transmit to you herewith the war bulletins issued since the date of my dispatch No. 52. They detail the successful entry of President Gonzalez with his army into Gracias, and the rout and discomfiture of President Medina; also that the Honduran forces have been everywhere overcome, and that the flight of Medina toward Omoa, on the Atlantic, will probably be intercepted by the Salvadoreans. Confident hopes are expressed that the war nears its close, and that President Gonzalez will return to San Salvador.

The long-threatened expulsion of the two Jesuit fathers has at last

occurred, under the direction of Acting President Mendez. At 11 o'clock on the night of the 5th instant, in fulfillment of the twelfth article of the Arbizu-Samayoa treaty with Guatemala, the Fathers Paul and Pozo were forced to depart from their residence for the port of La Libertad, to sail for Nicaragua the next day. This has elicited a solemn protest from the clergy.

Chapter 1, Article 6, of the constitution declares the "Catholic religion, Roman and apostolic," that of the state; Articles 101 and 103 of Chapter 19 provide for the right of asylum, and that none shall be forced to move from their residence without judicial requirement. Hence the treaty provision requiring the banishment by the executive of certain ecclesiastics is animadverted on as unconstitutional, and its summary execution has thus roused the church.

But President Gonzalez has been victorious, and the voice of the reactionaries will be drowned in his tumultuous welcome as conqueror. Believing that the war was a reluctant necessity to this government, it is yet with anxiety that in its prosecution I view disregard to the letter of the constitution so recently concluded.

* * * * *

Success has added to the popularity of President Gonzalez, and a vote by the congress when next assembled approving his course will probably silence those protesting, but the occasional appearance of printed allusions to irregularities of the kind are portentous of difficulties to the administration were it unpopular.

I have, &c.,

THOS. BIDDLE.

No. 407.

Mr. Biddle to Mr. Fish.

No. 57.]

LEGATION OF THE UNITED STATES,
San Salvador, June 20, 1872. (Received July 18.)

SIR: Referring to your dispatch No. 22, I have the honor to state that the trial of Ex-President Dueñas is slowly progressing before the supreme tribunal of Salvador.

I transmit herewith for your information a printed copy of the speech in the senate of the licentiate Don Antonio Grimaldi, (now the minister of the interior,) supporting the accusations against the ex-President before that body, and also of the condemnatory decree pronounced by the senate in the same session, referring the case to the adjudication of the courts.

You will perceive by the multifarious charges thus preferred through the senate that the trial will be protracted. It is thought that it may extend over a twelvemonth from this date, and perhaps longer. The prosecution endeavors to distort into *assassinations* the death-penalties inflicted under his administration by military commissions and other summary tribunals, in order to bring the accusations within the constitutional limitation as to capital punishment. The popular temper at the conclusion of the trial will materially influence the sentence. Meantime the ex-President continues a close prisoner in the military college.

I will diligently watch and promptly report the proceedings against

him, and, if his life should be imperiled, will remind the Salvadorean government of the pledge given to my predecessor, and will state that it is expected that pledge will be observed.

I have, &c.,

THOS. BIDDLE.

No. 408.

Mr. Biddle to Mr. Fish.

No. 58.]

LEGATION OF THE UNITED STATES,
San Salvador, June 20, 1872. (Received July 18.)

SIR: I have the honor to report the return of President Gonzalez, with his army, to this capital, on the 16th instant, after a victorious campaign in Honduras, President Medina having fled before the advance of the Salvadorean troops, and is now supposed to be a fugitive in Omoa, on the Atlantic.

Garrisons of the army of this republic are retained in the Honduran cities of Gratiás, Tegucigalpa, and Comayagua, in the latter of which the provisional President, Arias, has established his headquarters.

Permanent peace is, therefore, confidently expected, but as a precaution, Field-Marshal Gonzalez has not yet resumed the presidency, but remains in actual command of the army until affairs are more settled.

Referring to my No. 46, at the request of the minister of foreign affairs I have delivered to the acting President the congratulatory reply of the President of the United States upon the re-election of the present administration in Salvador.

I have, &c.,

THOS. BIDDLE.

No. 409.

Mr. Biddle to Mr. Fish.

No. 60.]

LEGATION OF THE UNITED STATES,
San Salvador, June 21, 1872. (Received July 18.)

SIR: I have the honor to transmit to you herewith a copy and translation of a proclamation of peace with Honduras, issued within the hour just as the mail is closing, based upon the complete overthrow of General Medina, and the friendly relations between Salvador and the provisional government of Señor Don Celeo Arias.

I am, &c.,

THOS. BIDDLE.

[Translation.]

Manuel Mendez, vice-president of the republic, in the exercise of the executive power, considering—

1st. That with the disappearing of the government of General Don José María Medina in Honduras, the republic of Salvador has returned to the tranquillity which that functionary had disturbed with his continued menaces against the autonomy of Salvador.

2d. That, thanks to the happy termination of the campaign, there has been successfully established in Honduras an orderly government which gives the best guarantees of peace and friendship with this republic.

3d. That this government saw itself compelled by force of circumstances to declare the republic at war with the ex-government of Honduras, calling all the Salvadoreans to arms, and prohibiting free locomotion without passports from the competent authority, as by the decrees of the 5th and 25th of April last; and

4th. As now Salvador has no reason to fear for the internal or external peace, I decree:

ARTICLE 1. The republic of Salvador returns to the condition of peace which had been interrupted by the machinations of the ex-government of Honduras.

ARTICLE 2. The aforesaid decrees of the 5th and 25th of April last past are abrogated. Given in the National Palace of San Salvador, the 19th of June, 1872.

MANUEL MENDEZ.

The Minister of the Interior and Acting Minister of the Treasury and of War,
ANTONIO GRIMALDI.

No. 410.

Mr. Biddle to Mr. Fish.

No. 61.]

LEGATION OF THE UNITED STATES,
San Salvador, June 29, 1872. (Received August 1.)

SIR: I have the honor to transmit herewith, for your information and my guidance, a copy and translation of a note dated the 25th instant, addressed to me by the minister of foreign relations, and of my reply thereto, relative to an alleged violation, by partisans of ex-President Medina, in Honduras, of the neutrality of the interoceanic railway, as guaranteed on the part of the United States by the treaty with that republic of July 4, 1864.

The occasion seemed proper for expression of the views of the Government of the United States upon the subject, as conveyed to my predecessor in your dispatches Nos. 25, 30, and 39, the railway being yet in its inception, and the time of conclusion uncertain. I therefore embodied them in my answer to Señor Arbizu. As a question might arise as to the facts constituting a breach of the neutrality guaranteed, supposing the treaty provisions to have become initiate, I have written to the United States minister resident at Tegucigalpa, as per inclosure. I would also request your attention to the proclamation of peace with Honduras, by "the vice-president of Salvador exercising the executive power," transmitted in my previous dispatch. As the war is thus officially declared concluded by this state, any future interruption of the railway by factions in Honduras would seem rather to be the concern of the latter republic exclusively.

I am, &c.,

THOS. BIDDLE.

Mr. Arbizu to Mr. Biddle.

[Translation.]

MINISTRY OF FOREIGN RELATIONS OF SALVADOR,
San Salvador, June 25, 1872.

MR. MINISTER: Information has reached the ministry under my direction that the ex-President of Honduras, Don José Maria Medina, has occupied the castle of Omoa, and has now in his use the available portion of the railway in operation in that republic.

It is of public notoriety, Mr. Minister, that General Don José Maria Medina has ceased to exercise the executive power in Honduras which is proven by the fact that the territory of that republic has submitted to the authority of a provisional government. But apart from this, the neutrality of the inter-oceanic railway of Honduras is

effectively guaranteed by the treaty concluded between the government of that republic and that of the United States, as that legation informed this ministry by dispatch of the 20th of February of the past year. The acts of General Medina, to which I have referred, being therefore antagonistic to the neutrality which, on account of the immense advantages of the work, the Government of the United States has guaranteed, I have the honor to present it to the knowledge of that legation, so that by observing the provisions of the treaty to which I have favorably referred, it may not be permitted that the railway shall be at the service of the partisans of the ex-President of Honduras, to whom it was not allowed to violate that neutrality, even when he united in himself the character of representative of a regular and recognized government.

With every consideration I have the honor to subscribe myself,

Your obedient servant,

GREGORIO ARBIZU.

[Inclosure 2.]

Mr. Biddle to Mr. Arbizu.

LEGATION OF THE UNITED STATES,
San Salvador, June 26, 1872.

SEÑOR MINISTER: I have the honor to acknowledge the receipt of your note of the 25th instant, informing me that the ex-President of Honduras had occupied the castle of Omoa, and was using the available portion of the interoceanic railway of Honduras in derogation of the guarantee of neutrality made by the United States in its treaty with that republic of the 4th of July, 1864.

You allude to a communication addressed to your ministry by my predecessor, dated the 20th February, 1871, and conclude by presenting the case to my notice in order that the partisans of a defeated dynasty may not be permitted to violate that neutrality which was sustained when the ex-President was the representative of a regular and recognized government. In reply, I have the honor to state that at the earliest opportunity I will transmit a copy of your communication to my Government for its information and my guidance, and will also correspond with the United States minister resident to Honduras upon the subject. As to the extent of the obligation assumed by the Government of the United States in the fourteenth article of its treaty with Honduras of 1864, relative to the guarantee of a railway across that republic, I am advised that it has always been understood in the United States that that obligation does not attach until the completion of that work.

The guarantee was given as a consideration for certain advantages which, as they cannot be enjoyed until the road shall have been finished, the Government of the United States cannot until then properly be called upon to interpose the treaty. Under it the obligation of the United States may be summarily stated as a bargain to protect the railway when completed against occupation or obstruction, not only by a foreign power, but of Honduras itself, and to abstain ourselves from such occupation or obstruction. Any other construction would require the United States to protect the road from its inception to conclusion, and no such construction seems warranted by the words of the instrument.

Renewing to you, Señor Minister, the assurances of my highest consideration,
I am, &c.,

THOS. BIDDLE.

[Inclosure 3.]

Mr. Biddle to Mr. Baxter.

LEGATION OF THE UNITED STATES,
San Salvador, June 26, 1872.

SIR: I have the honor to transmit to you herewith, for your information, a copy of a note dated the 25th instant, received by me from the minister of foreign relations of Salvador, relative to alleged violations of the neutrality of the interoceanic railway in Honduras by the partisans of General Medina.

I have communicated with the Department of State upon the subject, and now present it to your attention, although the unfinished condition of the road seems to absolve the United States from responsibility under the guarantee of 1864.

I am, &c.,

THOS. BIDDLE.

No. 411.

Mr. Biddle to Mr. Fish.

No. 65.]

LEGATION OF THE UNITED STATES,
San Salvador, July 22, 1872. (Received August 19.)

SIR: I have the honor to transmit herewith a copy and translation of a decree dated the 9th instant, by virtue of which President Gonzalez resumed his official functions.

My No. 61 has informed you of the succeeding turbulence. By decree dated the 17th instant (a copy and translation of which is hereto annexed) President Gonzalez, reviewing the exigency of the situation, assumed dictatorial powers for the preservation of tranquillity and peace, and created a strict censorship of the press, the government taking the responsibility of its actions, to be accounted for to the congress hereafter—the decree to have effect from its date, and to cease when the circumstances creating it have terminated.

On the 18th instant the President addressed a “manifesto” to the Salvadoreans, * * briefly reviewing his record, exposing the perils of the times, and declaring that in the interests of peace, order, and liberty his policy is founded, and also his steadfast devotion to republican freedom. It thus concludes:

Fellow-citizens, have confidence in my loyalty; and, fearing nothing which I now may do in bringing to a happy close the work for which I am responsible, confidently hope the reign of that liberty which will bring order, progress, and stability to our country. Such are the assurances, desires, and promises of your friend and fellow-countryman.

This morning, at 4 o'clock, Ex-President Dueñas was taken from prison, and, under a guard, sent *en route* for the port of La Libertad, from whence he will go by steamer to Panama, the government having taken his bond, with five securities in \$10,000 each, that he will not return to Salvador within four years without permission from the authorities, and the hypothecation of all his large estate to abide the result of the civil procedures against him.

Thus terminates the case of Dueñas, so far as the guarantee to the United States is concerned, the government of Salvador having complied with its compact with my predecessor. Also, by the same opportunity, a number of individuals obnoxious to the government were banished. Among these are mentioned the priest Orillaña, supposed to have been the instigator of the riot at Cojutepeque, as stated in the extract from the Official Bulletin of the 18th instant, * * * also Señor Don Rafael Campo, of Sonsonate, ex-President of the country; Señor Don Mannel Galliado, ex-minister of the interior; José Lopez, ex-governor of Santa Tecla; Señor Berrios, a prominent lawyer; and a number of Capuchin priests and others.

All the above-related procedures emanate from the assumed dictatorial power, and are repugnant to the constitution, which guarantees the liberty of speech and of the press, specifies the method of procedure in the event of the violation of the proprieties of either, and prescribes that extradition is unlawful save in compliance with judicial process, as per my dispatch No. 13.

On the other hand, the execution of the article in the late treaty with Guatemala concerning the expulsion of the Jesuits has roused to hostility a powerful portion of the community, and an anarchical spirit has prevailed to an alarming extent, tending to the overthrow of the present administration and involving the assassination of the President. Aware

of the extreme peril of the situation, President Gonzalez has acted with prompt decision; he has assumed a power above the constitution, declaring himself responsible to the legislature alone, and the future will test the purity of his intentions as well as the wisdom of the desperate remedy which he has adopted.

The resignation of Señor Antonio Grimaldi as minister of the interior has been accepted.

General Borja Bustamente has not acted as minister of war since the hostilities with Honduras.

I am, &c.,

THOS. BIDDLE.

[Translation.]

DECREE OF THE GOVERNMENT.

Mannuel Mendez, vice-president of the republic, exercising the executive power, considering that the reasons having ceased for the deposit which the constitutional President made with the vice-president of the executive power on the 10th of May of this year in the city of Sensuntepeque, I decree—

ONLY ARTICLE. The constitutional President, Field-Marshal Don Santiago Gonzalez, assumes the executive power of the nation from this date.

Given in the National Palace, at San Salvador, the 9th of July, 1872.

MANUEL MENDEZ.

The Minister of the Interior,
A. GRIMALDI.

[Translation.]

GOVERNMENTAL DECREE.

Santiago Gonzalez, field-marshal, constitutional President of the republic of Salvador, considering—

That from the information received in investigating the origin and results of the revolutionary movement which broke out in Cojutepeque on the 9th instant, it is clearly proved that the reactionaries and disaffected to the government plot secretly against the security of the state, especially devoting their criminal labors to the most valuable portions of the republic;

That in the presence of the activity of the enemies of order, of their clandestine operations, and the imminent danger, the procedures consonant to the laws of the republic appear insufficient, and the guarantees established for the worthy citizens have been converted into shields for the evil-doers; and it being the first duty of the government to preserve the established order, to protect the social interests, and to invigorate the principle of authority, the only safeguard of any political community in circumstances as the present, I have thought well, in accord with the wisest and worthiest portion of the community, and in view of Articles 17 (sections 1 and 2) and 98, of the constitution, to issue the following decree:

ARTICLE 1. The executive power of the republic will dictate and execute all the measures conducive to the preservation of peace and interior tranquillity, consulting only the public good, and the greatest expedition in the civil and military action.

ARTICLE 2. No publication, periodical or otherwise, of whatever description, shall be circulated, unless, beforehand, a copy shall have been submitted to the minister of the interior.

ARTICLE 3. The owners or managers of the press who may disregard the previous article shall suffer a fine of from one to two hundred dollars for the first offense, and the office shall be closed upon a repetition.

ARTICLE 4. The government assumes, consequently, the responsibility of its actions, for which it will account, with the opportunity, to the national representatives.

ARTICLE 5. This decree shall take effect from the date of its promulgation, and shall cease when the circumstances creating it have terminated.

Given in San Salvador, in the National Palace, the 17th July, 1872.

SANTIAGO GONZALEZ.

No. 412.

Mr. Hunter to Mr. Biddle.

No. 26.]

DEPARTMENT OF STATE,
Washington, August 7, 1872.

SIR: Referring to your dispatch, No. 61, of the 29th of June last, transmitting correspondence with the government of Salvador upon the subject of the neutrality of the interoceanic railway of Honduras, I have to inform you that the position which you have taken in regard to the matter is approved.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 413.

Mr. Biddle to Mr. Fish.

No. 69.]

LEGATION OF THE UNITED STATES,
San Salvador, August 8, 1872. (Received September 16.)

SIR: I have the honor to transmit to you a copy of the latest war-bulletin, which records a signal victory by the Arias party in Honduras, aided by their Salvadorean allies, commanded by General Espinosa, with the additional forces of Generals Osorio and Solares, at Santa Barbara, against the Ex-President Medina and General Miranda.

I was informed yesterday by the vice-president, Mendez, who also is minister of public instruction, &c., that a telegraphic dispatch had just been received from the governor of the department of Santa Rosa, in Salvador, stating that he had received advices from Chalatenango that Ex-President Medina had been captured, after a battle in which many officers fell. The news will not be published until further confirmation.

News has also arrived of a singular episode to the war; the Salvadorean general, Antonia Medina, who is known by the sobriquet of "Medinila," having occupied the castle of Omoa, has proclaimed himself President of Honduras, but as he is without resources, pecuniary or military, it is thought that his administration will be as nominal as brief.

I have, &c.,

THOS. BIDDLE.

No. 414.

Mr. Biddle to Mr. Fish.

No. 77.]

LEGATION OF THE UNITED STATES,
San Salvador, September 6, 1872. (Received October 8.)

SIR: I have the honor to transmit to you, herewith, a decree of the government of Salvador, calling a national constituent assembly, to be composed of thirty-six deputies, to revise and reform the constitution of the 16th of October, 1871, to assemble at the capital on the 25th of September instant. Also, a proclamation from President Gonzalez to his fellow-countrymen urging the necessity for convening the same, and

disclosing the principal changes projected, which is further extended in the also annexed "political programme" addressed to the Salvadoreans, by leading citizens, including the President and members of the administration, with the object to organize a "national republican party" to aid the attainment of the proposed amendments to the fundamental law.

It is proposed to incorporate in the next constitution the guarantee of rights embodied in that of 1871. The principal alterations discussed are, the extension of the presidential term to four years, without re-election until the expiration of the term of office of the successor; liberalizing the conditions for naturalization; giving power to the President, during the recess of the legislative body, to create and organize an army and militia; to grant amnesties and reprieves; to declare the state of siege in lawful cases; to restrain the liberty of the press when martial law demands it; to give or withhold permission to Salvadoreans to accept foreign employment; to adjust the values of moneys, weights, and measures, which may be convenient to the government to receive or give in payment, and to always account to congress for the use of these faculties so soon as it has assembled.

It has been generally conceded that the existing constitution trammelled exceedingly the executive in troublous times, especially after congress had adjourned, and as most of the projected reforms relate to urgent exceptional cases, in all of which an account is to be rendered to the legislature for confirmation, it may not be a step in the wrong direction if the desired end can be reached by peaceful deliberation. The idea of the extension of the presidential term seems generally to commend itself, and liberal naturalization laws will greatly tend to promote prosperity.

The conflict with Honduras has subsided with the victories to the allied arms, and a growing wish for permanent peace is expressed by all who have any substantial interests here.

The constitution of 1871 has been in force but a few months, and by a provision of its own it was not to be remodeled until after the expiration of six years. Its main features are, however, to be retained, with variations in the minor details. I have been told that they desire to approximate more to the Constitution of the United States. Would that they might adopt one of its grandest elements, permanence.

I have, &c.,

THOS. BIDDLE.

[Inclosure No. 1.—Translation.]

[Extract from the *Boletin Oficial* of August 22, 1871.]

The supreme government of the republic, considering—

1st. That the whole population of the republic, comprehending the insufficiency and defects of the political constitution of 1871, in order that the government may fulfill its high mission to promote the prosperity of the country whose destinies are intrusted to it, has made public and express demonstrations, soliciting the reform of the constitution;

2d. That it is the duty of every administration which aspires to represent the interests of the nation, to regard the lawful desires of their constituents expressed in a way so clear and definite, and not finding in the said constitution fit means to effect the reforms which the experience and will of the people make necessary, there remains no other legal course than to refer to the nation in which the popular sovereignty essentially resides, decrees:

ARTICLE I. Let the people of the republic select representatives to a national constituent assembly, which shall be composed of thirty-six deputies, and shall have for object the revision and reformation of the political constitution of the 16th of October

of 1871, and to resolve all those subjects which the executive may find convenient to submit to their consideration.

ARTICLE 2. Each of the twelve departments into which the republic is divided may elect three proprietary deputies and one substitute.

ARTICLE 3. Fixes the second Sunday of September as the date for the elections.

ARTICLE 4. As to qualifications of electors.

ARTICLE 5. Regulates qualifications of deputies.

ARTICLE 6. Prescribes that the representatives chosen shall assemble at the capital, without previous convocation, on the 25th of September next, &c.

ARTICLE 7. The rules for organization, &c., to be conformable to existing laws.

ARTICLE 8. The treasury to authorize the necessary expenses.

ARTICLE 9. The minister of the interior to be charged with the execution of this decree.

Given in San Salvador in the National Palace, the seventeenth of August of 1872.

SANTIAGO GONZALEZ.

The Minister of Foreign Relations,

GREGORIO ARBIZU.

The Minister of Public Instruction,

Also in charge of the Departments of the Interior, Treasury, and of War,
MANUEL MENDEZ.

[Inclosure No. 2.—Translation.]

ADDRESS OF PRESIDENT GONZALEZ.

Santiago Gonzalez, field-marshal and constitutional President of Salvador, to his fellow-citizens.

SALVADORENEANS: The whole republic has comprehended very well the difficulties which the constitution of 1871 opposes to the executive, obstructing the discharge of its high mission as a power, active, permanent, and charged to always watch the greatest interests of society.

The majority of the population have spontaneously raised their voice, asking the reforms which our fundamental statute requires, and I cannot disregard that voice, which solemnly expresses public opinion, and which wishes to direct the progress of the country to the purposes of the revolution of the memorable 10th of April of the past year.

The constituent legislators of 1871 endowed the country with a political work which, although it contains a declaration of rights and guarantees sufficiently conformable to a system of liberty, on the other hand restricts its expansive spirit, limiting the enjoyment of its benefits to a less number of persons than the generous heart of the Salvadoreneans would desire to extend them.

Beyond these narrow views, and other defects of more or less importance, which permeate our constitution, it was dictated under the influence of an error which has caused no few evils to Spanish America—a deplorable error, which consists in believing that the department of the government charged with the administration of the treasury and the direction of the public force, is, and ought to be, by its nature, inimical to the other two, which respectively construe and enforce the law.

Such a failing is, doubtless, the source of calamity to many in power, who may not wish to confine the exercise of their legitimate functions within the proper orbit. But if this be so, also it is undeniable that the encroachments and excesses of usurpers are not averted and corrected by the letter of an absurd law, which destroys the unity and equilibrium of the state by fear of the abuses of those who in an evil hour may wish to perpetrate anything, and warp to their whims the destinies of the people.

When one meditates to fetter the executive, nullifying the authority which public law assigns to it for the fulfillment of its high attributes, one legislates against the good government of society; for in place of harmony one seeks conflict, which everywhere produces shock and violence, because it is not possible that an energetic and reputable mandatory may pause before senseless restrictions, when he sees society endangered, threatened at once by foreign war and by rebellion, anarchy, and by perpetual internal conspiracies; and finally because it is necessary that the administrator of the general interests, and supreme representative of the public power, shall assume, on extraordinary occasion, the character of preserver (*poder salvador*) of the nation which has confided to him the guardianship of its destinies, and the essential means to guide them to prosperity.

War was abruptly declared against Salvador by the ex-ruler of Honduras, Don José Maria Medina, who desired insidiously to become belligerent, that he might injure the

interests of his adversary, using the opportunity to conquer by surprise. I saw that I could not convene the legislative body for previous authorization of my action in the contest, on account of the speed with which events were culminating, and I assumed the grave responsibility to accept that war, precluding that which the constitution ordained for such cases.

Happily victorious the arms of our country on the soil of Honduras, I returned here, certain that the decided action of this valiant people would soon effectively conquer the liberty of our brothers, the Honduraneans, exorcising at once a danger to ourselves, and for the peace of Central America.

Thus it has happened, and I await tranquilly the impartial judgment of my fellow-citizens, who will appreciate my conduct as a republican ruler.

If I was unable to adhere strictly to the fundamental law of the country, in the dangerous emergency of which I have spoken, I have rescued things very dear, which may not always be guaranteed by the prescriptions of any written code. These objects, well may you know them, fellow-countrymen, are the honor of the Salvadorenean people, the glory of their arms, the safety of the state, the charter of liberty.

But before the consummation of that work which is the constant aspiration of my heart, the contrary elements, ever contending against the authority which I exercise, burst forth to augment the difficulties with which he contends who has the honorable obligation of promoting the prosperity and progress of the people, of that generous and laborious people, which ever is swift to espouse every just cause, giving its efficient support to its disinterested representatives.

In the presence of so many disloyal efforts towards confusion, I could only resolve to advance with energy and promptitude, without awaiting the ordinary procedures and slow process of the usual tribunals for the maintenance of the general order of the nation, indispensable as the base of individual rights, agriculture, commerce, and the industry of this people, so full of vitality as of legitimate hopes of progress and increase.

I have restored that order, and those hopes shall not be mocked, for God protects the nations who distinguish themselves by their humanitarian tendencies, by their love of labor, and by their conduct even under the terrible sway of war or revolution.

Compatriots, the voice of the national sovereignty, with clear tones, has declared itself, notwithstanding that the constitution of '71 wished to restrain it, ignoring the irresistible power of the sovereign. This has interpreted very well what suits it for the regular course of public affairs, and asks the reform of that constitution, a fact which must not alienate thoughtful men, if they compare dispassionately the experiments and frequent modifications that countries very old and advanced have made in their legislation to perfect it, following the counsels of experience and the inspirations of reason.

With such foundation the cabinet has declared the decree which the Official Bulletin registers, calling the people of the republic to elect representatives to a national congress which shall make to our political code the reforms demanded by public opinion, and who will resolve all those subjects of vital importance which the executive desires to submit to the supreme judgment of that high body.

As it is easy to comprehend, I have not desired to exercise discretionally a vast amount of power, for the pleasure of having it in my hands; I have desired to preserve the public tranquillity, and to press forward the generous propositions of the revolution of April, at the head of which I did not place myself to abandon it, emasculated or destroyed through vacillation or pusillanimity.

Of all which I have done for this national work, so dear and so satisfactory to me, I wish to render prompt account to the representatives of the people, because I rather aspire to the modest title of the responsible mandatory of a republic than to the many which may flatter human pride.

Salvadoreneans, the electionary decree which I have promulgated consults the most liberal conditions for eligibility which until now have ever appeared in a document of that kind in all Central America. There is consigned my sincere aspirations for Central America, if I may so express myself, and even more, the desire which I nurture to open the doors of liberty to all the men who merit asylum and confidence in this hospitable country.

Interpret with benevolence, compatriots, the sentiments which animate him who is ever disposed to sacrifice himself for your good, and who has the honor to be the ruler and the friend of a free people.

SANTIAGO GONZALEZ.

SAN SALVADOR, August 23, 1872.

No. 415.

Mr. Biddle to Mr. Fish.

No. 78.]

LEGATION OF THE UNITED STATES,
San Salvador, September 7, 1872. (Received October 8.)

SIR: It is with great grief that I present to you the accompanying correspondence, which reveals the assassination of the vice-president of this republic, Señor Don Manuel Mendez, in the public street, on the night of the 1st instant. No greater calamity could have befallen Salvador. Señor Mendez was a virtuous man, honorable, energetic, and talented, with the esteem of the whole community. He was in the prime of life, and at the time of his death added to his trust as vice-president the charge of all the departments of the government, save the ministry of foreign relations.

President Gonzalez said to me to-day, "Great is the loss to Salvador, but greatest of all to me; I counseled with him in all things, I confided in him as a brother; his clear head unraveled every difficulty; he was truth and fidelity itself; I can never replace him." And these words convey the appreciation I had myself formed of him. He was the ablest and best man here, and his personal character was symmetrical.

In the perplexing phases of local discord he was a power of strength to the administration, and at this hour, when the organic law of the land is even suspended, until reformed, his clear vision was resolving chaos into order and liberty.

The President is much depressed, but ever labors at his post of duty, I believe, with singleness of heart for his country's good.

It is not thought that the assassination of the vice president was prompted by other motives than personal revenge. The murderer is yet at large, although strenuous efforts are being made for his apprehension. He is known to have been a mere tool in the hands of others, who, of infamous character themselves, had had a disgraceful enmity toward Señor Mendez, because in the path of duty he had clashed with their interests.

He was shot in the back, the ball passing through his heart. He uttered one cry and died. He had been at my house in health and spirits a few hours previous.

I have, &c.,

THOS. BIDDLE.

[Inclosure No. 1.—Translation.]

*Mr. Caceres to Mr. Biddle.*MINISTRY OF FOREIGN RELATIONS OF SALVADOR,
National Palace, San Salvador, September 1, 1872.

SEÑOR: I have to communicate to you the sad intelligence of the death of the citizen the Licentiate Don Manuel Mendez, the vice-president of the republic, minister of public instruction, justice, and ecclesiastical affairs, which occurred on the 1st instant, in consequence of a cowardly assassination.

Señor Mendez has been the victim of an atrocious crime, which, from present information, appears to have been instigated solely by personal motives. This event has caused to the government, and to all the Salvadorean people, a poignant and profound grief, for Señor Mendez, by his honorable antecedents, patriotism, and endowments, enjoyed the general esteem of his fellow-citizens.

Will you communicate this information to the Government which you so worthily represent, and accept the consideration and distinguished appreciation of your obedient servant, in the absence of the minister of foreign relations, the under-secretary,

MANUEL CACERES.

Mr. Biddle to Don Manuel Cáceres.

LEGATION OF THE UNITED STATES,

San Salvador, September 4, 1872.

SEÑOR: I have the honor to acknowledge receipt of your note conveying the sad intelligence of the death by assassination of the illustrious citizen Señor Don Manuel Méndez, vice-president of the republic, and minister of public instruction, justice, and ecclesiastical affairs, and requesting me to communicate the information to my Government.

In complying therewith, I shall inform it of his public virtues and his private worth: how that Salvador has lost a distinguished son, an able statesman, jurist, and scholar. but, above all, a citizen of incorruptible integrity and honor, whose life was a model of excellence, and whose death will be deplored, not only by his afflicted country, but by the lovers of republican liberty in all lands.

Tendering my deepest sympathy with your government in this public calamity, with assurances of the highest consideration, I have the honor to subscribe myself, your obedient servant,

THOMAS BIDDLE.

SPAIN.

No. 416.

Mr. Adce to Mr. Fish.

No. 54.]

UNITED STATES LEGATION TO SPAIN,
Madrid, September 2, 1871. (Received September 20.)

SIR: I have the honor to inclose herewith a copy of a decree of general amnesty, dated and published on the 30th ultimo, prior to the commencement of the present journey of His Majesty through the provinces, which event it is intended to celebrate. Like the previous decree of August 9, 1870, a copy of which was transmitted with General Sickles's No. 143, the apparently unqualified provisions of the present amnesty will probably be held applicable only to the peninsula and the adjacent possessions.

I am, &c.,

A. AUGUSTUS ADEE,
Chargé d'Affaires, ad interim.

[From *La Gaceta de Madrid*, August 30, 1871.—Translation.]

PRESIDENCY OF THE COUNCIL OF MINISTERS—STATEMENT.

SIR: The government of Your Majesty authorized by the law of July 31, of the present year, to grant an amnesty to all persons sentenced, prosecuted, or held responsible on account of political offenses, thinks that the proper time has arrived to make use of this important authorization. There are usually in such offenses, which are, for the most part, punished very severely, some errors of the head rather than any perversity of the heart, and the state, which would be wanting in the performance of its duty should it fail to repress them with energy, (since this is required by justice and a proper regard for the public good,) cannot carry its rigor further than is required by the fulfillment of its lofty duties. When severity and the duration of the penalties designed to repress these offenses are carried to an imprudent extreme, the punishment is not an expression of justice, but of revenge, and the supreme power is rather the representative of party rancor than of right. When the offenders have

ceased to be a source of danger, to persevere in the continuation of the punishment is to create the danger anew, because public opinion does not busy itself with the offense which it does not fear, but with the hardships of those who suffer.

To open the doors of the country is not only an act of clemency; it is also one of prudent and wise policy. The tears of joy shed by the children in the arms of their father, who has returned to the delights of home and family, signify not only the termination of a great misfortune; they are also a guarantee of peace and repose, because they will ever serve to call to mind the consequences produced by disturbances of public order.

It would, however, be an act of very questionable wisdom to endanger society by yielding to the impulses of an imprudent generosity, which, without duly considering the exigencies of the time and place, should serve to collect and strengthen those elements which are inimical to public tranquillity. Clemency, then, is, or seems to be, weakness, and amnesty, far from being gratefully accepted, is used as a weapon against those who were short-sighted enough to grant it.

Fortunately, sir, our circumstances are different. The government knows the secrets and the resources of the adversaries of the situation created by the September revolution; it possesses *data* which enable it fully to appreciate their weakness and impotency, and it has more than sufficient force at its command to enable it to quell any act of rebellion which may be attempted against the constitution and the dynasty of Your Majesty.

Should there be rash persons, who, fascinated by chimerical hopes, should dare to rise in arms against the institutions which the nation, in the exercise of its sovereignty, has adopted, the repression will be as prompt as energetic, and the punishment following the crime will be speedy and inexorable. The political situation of to-day is strong, and its enemies are weak; acts of clemency may, therefore, not be gratefully accepted, but they will be neither imprudent nor liable to give rise to serious dangers.

It would be more dangerous for the emigrants to lose all hope of soon returning to their country, and to remain united, exciting each other under the pressure of their leaders, and to continue organized and ready for battle. Let them all return to their country; let them soften the harshness of political rancor in the bosom of their families; let them tranquilly enjoy the benefits of liberty; let them acquire or regain habits of industry, and let them become convinced that liberty and order are in harmony with the constitution of 1869, and the rule of Your Majesty; that all legitimate interests are secure, and that guarantees are furnished to all possible progress in the various spheres of human activity. Let there be an animated and patriotic contest between individuals and between parties for the triumph of their doctrines and their aspirations, but let it be a peaceful and tranquil one, for thus alone can it conduce to the welfare of the nation. The government of Your Majesty believes that such a contest, far from being formidable, is indispensable to human progress, and that the combatants should not be separated, but rather that the obstacles in the way of the combat should be removed.

In view of these considerations, the council of ministers has the honor to lay before Your Majesty the following proposed decree.

Madrid, August 30, 1871.

MANUEL RUIZ ZORILLA,

President of the Council of Ministers and Minister of Government.

FERNANDO FERNANDEZ DE CORDOVA,

Minister of War, and Minister of State pro tem.

JOSÉ MARIA BERANGER,

Minister of Marine.

SERVANDO RUIZ GÓMEZ,

Minister of Finance.

SANTIAGO DIEGO MADRAZO,

Minister for the Encouragement of Agriculture, Manufactures, &c.

TOMAS MARIA MOSQUERA,

Minister of the Colonies, and Minister of Justice pro tem.

DECREE.

By virtue of the authorization granted to the government by the law of the 31st of July last, and by the advice and consent of the council of ministers, I decree as follows:

ARTICLE 1. Absolute, full, and general amnesty, without distinction of class or station, is hereby granted to all persons sentenced, prosecuted, or held responsible for political offenses of any kind whatever, committed up to the aforesaid date of July 31st last past.

ARTICLE 2. In consequence thereof all cases pending on account of the aforesaid offenses shall be dismissed without costs.

ARTICLE 3. Persons detained for such offenses, or under arrest or imprisonment therefor, shall at once be set at liberty by the courts having jurisdiction in the respective cases, or which may have decided the same, and expatriated persons may freely return to Spain.

ARTICLE 4. Persons having claim to salary or other money due from the state, or any provincial or municipal government, including officers of the army or soldiers, will be required before receiving such money to prove that they have taken the oath to support the constitution, before a competent court.

ARTICLE 5. The following are also considered as political offenses, within the purview of this decree, viz: those committed with intent to falsify, impede, or coerce the freedom of suffrage, those referred to in case 3, article 331, of the provisional law regarding the organization of the judicial power, the incidents of political offenses, and finally those committed by means of the press, except those of slander, for which action is brought by the party aggrieved.

ARTICLE 6. The civil responsibility incurred by the accused parties, together with claims for damages suffered by individuals, on account of the offenses referred to in Articles 1 and 3, remains unaltered, and action may be brought by the parties interested.

ARTICLE 7. Suitable measures will be taken by the proper ministries for the immediate and exact enforcement of this decree.

Done at the palace on the thirtieth day of August, one thousand eight hundred and seventy-one.

AMADEO.

MANUEL RUIZ ZORILLA,
President of the Council of Ministers.

No. 417.

Mr. Sickles to Mr. Fish.

No. 368.]

UNITED STATES LEGATION TO SPAIN.
Madrid, November 20, 1871. (Received December 12.)

SIR: I have the satisfaction to forward to you herewith for your information a copy of an address recently presented to the King by deputies from Porto Rico, in which it will be observed that, for themselves and in behalf of their constituents, they express very earnestly the desire that slavery may be speedily and effectually abolished in that province. This action was almost immediately followed by the presentation of a bill to the Cortes providing for the emancipation, within six months after the passage of the act, of all slaves in Porto Rico; indemnity to the owners not to exceed seven millions of dollars, to be raised and paid by the colony.

It is unfortunate that the suspension and probable dissolution of the congress postpones action on this excellent proposal.

It is said that the Cuban slave-holders, anticipating the vigorous agitation of this question during the recently interrupted session, are represented here by zealous and able agents, provided with ample means to obtain aid in the press as well as in the legislature, to defeat the passage of any further measure of enfranchisement. It is at least certain that a league of Madrid and provincial journals has been formed with the avowed object of opposing the "filibusters and internationalists," and it is believed that the real business of this association is to maintain slavery in the Antilles at all hazards and at whatever cost.

I am, &c.,

D. E. SICKLES.

[Inclosure 1 in No. 368.—Translation.]

[From the *Diario Politico*, November 4, 1871.]

The progressive democratic deputies and senators from Porto Rico called yesterday to pay their respects to His Majesty the King, by whom they were received with characteristic affability. Mr. Acosta, in the name of all his companions, addressed the King as follows:

"SIR: After so many years which have elapsed since the island of Porto Rico has enjoyed the high honor of being represented in the council-chambers of the nation, now that it has been happily re-instated, as a consequence of the September revolution in this ancient and precious right, and that the throne of St. Ferdinand and Isabel the Catholic is worthily occupied by Your Majesty, the liberal and reform senators and deputies of that province think that they are performing a duty in coming to offer Your Majesty the expression of their most profound respect, and in giving you a new and solemn evidence of the earnest adhesion of Porto Rico both to our common country and to the dynasty of Your Majesty.

"This profession is loyal and sincere, because the peaceable and order-loving people of Porto Rico hope, by maintaining the closest union with the mother country and with Your Majesty's dynasty to see their most constant and earnest aspirations speedily realized, to live in perfect political harmony with the other provinces of the monarchy under the ægis of the democratic constitution of 1869, and radically to exterminate the unfortunate and abominable institution of slavery.

"May the Almighty prolong Your Majesty's precious life for many years, so that, continuing the glorious traditions of your august father, you may succeed, through liberty, in drawing ever closer the bonds of love and fraternity which should unite all the sons of the noble Spanish nation to which we belong."

No. 418.

Mr. Fish to Mr. Adee.

[Extract.]

No. 67]

DEPARTMENT OF STATE,
Washington, April 1, 1872.

SIR: * * * * * The President is gratified to learn that the Spanish government at length is awaking to the necessity of marking with its displeasure some of the atrocities of which Cuba has been so long the theater, and that a pardon is to issue to the unfortunate young students whose companions were so cruelly murdered undered under the sanction of a pretended judicial decree, which outraged humanity, defied civilization, and put justice to scorn. * * *

I am, &c.,

HAMILTON FISH.

No. 419.

Mr. Adee to Mr. Fish.

No. 144.]

UNITED STATES LEGATION TO SPAIN,
Madrid, April 18, 1872. (Received May 7.)

SIR: With reference to your instruction No. 67, of the 1st instant, and the expression conveyed therein of the President's gratification on learning "that the Spanish government is at length awaking to the necessity of marking with its displeasure some of the atrocities of which Cuba has so long been the theater, and that a pardon is to issue to the

unfortunate young students whose companions were so cruelly murdered under the sanction of a pretended judicial decree, which outraged humanity, defied civilization, and put justice to scorn," I have the honor to observe that, although the language condemnatory of that occurrence used by Mr. de Blas in our conference of the 12th ultimo was even stronger and more unequivocal than the words of my report, his excellency has not since seen fit to allude to the circumstance on the several occasions on which we have met, nor has any official action in the premises yet been made public. A ministerial journal, (not an official organ, however,) in a recent issue, alluding to the rumor that a pardon of the students was contemplated, confined its remarks to a statement that full details had been asked for from Havana, and an opinion that no imputation could be fixed on the "chivalrous and patriotic volunteers."

I shall take an early opportunity to mention to Mr. de Blas the pleasure with which the President has learned of his frank expressions, communicated to you under reserve, in accordance with his permission.

I am, &c.,

A. AUGUSTUS ADEE,
Chargé d'Affaires ad interim.

No. 420.

Mr. Adee to Mr. Fish.

No. 147.]

UNITED STATES LEGATION TO SPAIN,
Madrid, April 22, 1872. (Received May 9.)

SIR: A well-founded apprehension exists that a rising of the adherents of Don Carlos is imminent. Rumors of the likelihood of such a course have been long current, and were strengthened by the disturbances which took place, without result, however, in the northern part of Catalonia during and immediately after the recent congressional elections. It seemed probable, nevertheless, until within a few days, that the Carlist leaders would confine their action for a time to combating the existing situation, in the legislative chambers, where they were able to present a compact and determined group of adherents.

This anticipation was dispelled, however, by the publication in the legitimist journals of the 20th instant of an order emanating from the Duke of Madrid, directing the withdrawal of the Carlist minority from the Cortes. In this document the traditionalist aspirant to the throne states that his followers had accepted the electoral contest chosen by their enemies, although denying its legality, and the result having shown the appeal to popular suffrage to be "a ridiculous farce of a liberalism which only operated to constrain the national will, to override the rights it proclaimed, and to carry a lie to the Cortes and mourning to the fireside," he has decreed the retirement of his representatives, thus protesting to-day before the nation, leaving for to-morrow the protest in the "field demanded by the oppressed country and by the aspirations of his Spanish heart."

This reckless *pronunciamento* was at once accepted by the government as a declaration of civil war. The members of the central Carlist committee were arrested and imprisoned the same night, among them being a deputy-elect; military precautions were taken in the disaffected provinces, the railways summoned to hold their rolling-stock at the disposi-

tion of the authorities, and every preparation made to combat the looked-for uprising.

There appears to be little doubt that a general insurrectionary movement is at hand. The Duke of Madrid is reported to be at Perpignan awaiting his opportunity to cross the French frontier and head the rebellion. Already the telegraph brings news of small bands of armed peasants taking to the hills, under the leadership, in most instances, of the village priests, who seem eager to revive the militant spirit of the church of the middle ages.

The fate of an unaided Carlist rebellion can hardly be doubtful. The army cannot be counted upon in its aid. Unless a corresponding movement be inaugurated by the republicans, its speedy suppression is probable. The future attitude of these is uncertain. Although the tendency of the party is in favor of withdrawal from the Cortes, its cooler leaders discountenance the wish of the extremists to raise a further issue in the field. Should their more moderate counsels prevail, it is probable that the prestige of the new dynastic government of Spain will be strengthened by the overthrow of an insurrection of an alarming character. Indeed, appearances indicate that the present government contemplates the issue with satisfaction.

I am, &c.,

A. AUGUSTUS ADEE,
Chargé d'Affaires ad interim.

CENTRAL CATHOLIC MONARCHICAL JUNTA,
Genera, April 15, 1872.

MOST EXCELLENT SIR: The Duke of Madrid has been pleased to order that the Carlist minority should refrain from taking their seats in congress.

The great national party appealed to the ballot-box, accepting a legality which its principles reject, in order to admit the struggle in the very field chosen by its enemies.

The results have shown that the ridiculous farce of liberalism only serves to restrain the national opinion, to override the rights which it proclaims, and to carry a lie into the Cortes and mourning to the fireside.

The Duke of Madrid, seeing the mischief, now protests before the country by withdrawing his representatives.

To-morrow he will protest in the field demanded by his oppressed country and the aspirations of his Spanish heart.

God guard your excellency many years.

EMILIO DE ARJONA,
Secretary of the Duke of Madrid.

His Excellency the VICE-PRESIDENT
Of the Central Catholic Monarchical Junta.

A correct copy of the original now in our possession.

CANDIDO NOCEDAL.
VICENTE DE LA HOZ Y DE LINIERS.

No. 421.

Mr. Sickles to Mr. Fish.

No. 383.]

UNITED STATES LEGATION TO SPAIN,
Madrid, June 8, 1872. (Received June 25.)

Sir: My arrival in Madrid was coincident with the fall of the Sagasta cabinet. The late president of the council was allowed to go through the form of a resignation, but in reality he surrendered his office to the peremptory demands of offended public opinion, expressed in the jour-

nals, in the congress, and in social circles. The immediate cause of his resignation was the discovery of the abstraction of a considerable sum of public money, held in trust by the government for the families of troops serving in Cuba. This money is believed to have been used to carry the elections for the present congress, and to support a secret police which seems to have practiced a scandalous espionage upon many prominent personages, including ladies of the highest rank, and even the King himself. The impeachment of the ex-minister is loudly demanded, but it might form an inconvenient precedent, and will not be conceded.

Marshal Serrano was chaged with the formation of a cabinet, a duty not easily performed, as he was at the moment in the Pyrenees at the head of the forces operating against the Carlists. The duties of president of the council were temporarily assumed by Admiral Topete, the secretary of the navy, in the new ministry. It was expected this arrangement would last until the conclusion of the campaign permitted the general-in-chief to assume in person his place at the head of affairs. An unforeseen phase in the situation was suddenly caused by an order issued by the marshal, granting extremely liberal terms to the Carlists in Navarre, in which it was stipulated that they should immediately cease hostilities and give up their arms.

This act of clemency on the part of the general commanding, assumed to be the result of an understanding with the Carlist chiefs in the Basque provinces, was at once characterized and denounced as the "convention of Amore-Vieta," and so violent and universal were the expressions of disapproval it encountered, that even the president of the council *ad interim*, Admiral Topete, yielded to the pressure so far as to admit, in his place in the chamber of deputies, that public opinion had found just occasion for alarm in the reported terms of the transaction. This declaration was immediately followed by the resignation of Marshal Serrano, not only of his military command, but also of the presidency of the council of ministers.

The return of the marshal to the capital at once restored his prestige. His late colleagues heard his explanations and assured him of their support. The chamber of deputies received his brief statement, made in his place as a member of the popular branch of congress, with an emphatic vote of approbation. Thereupon the marshal yielded to the wishes of his colleagues and of the King, and resumed the portfolio of war, with the presidency of the council.

The new cabinet takes office in the presence of the most critical situation yet confronted by the present dynasty. The King has unfortunately alienated the friendship of the party that placed him on the throne. The various elements of the opposition, re-enforced by this defection of the radicals under Zorrilla, become bolder in their demands every day. The Carlists are still in the field in great numbers. It is true that several bands availed themselves of the generous terms of surrender granted by Marshal Serrano at Amorevieta, but the rising is by no means pacificated even in the Pyrenees, and it is said to be taking serious proportions in Catalonia. The republicans are kept tranquil by the firm attitude of their leaders, who are understood, however, only to await a more favorable moment for a hostile demonstration. The radical chief, Mr. Zorrilla, has retired from the chamber of deputies and renounced the parliamentary leadership of the progressista democrats, to which he succeeded on the death of General Prim. Several explanations are given of this incident, none of which are plausible to an observer of Spanish politics. It is doubtless one of those forms of abnegation

which are so often the precursor of hostilities in this country, and this impression is confirmed by a recent call, emanating from the prominent men of the same party, Martos, Cordova, Becerra, and others, for a convention, to be composed of representatives of all the provinces in Spain, to consider and determine on the line of conduct to be pursued.

The indications at this moment incline me to the opinion that the present dynasty has seen its best days. It will be probably succeeded before long by a provisional government, in which the republicans, largely re-enforced from the ranks of the radicals, will contend with the partisans of the young Prince Alfonso for supremacy. If Marshal Serrano should be reconciled to the old dynasty by the offer of the regency during the minority of Alfonso, or if he were satisfied with the concession of the regency to his friend the Duke of Montpensier, the uncle of the prince, such an arrangement might hold out a fair promise of success; nevertheless it cannot be doubted that the republicans have much to justify their anticipated triumph. The failure of the monarchical parties to satisfy the exigencies of the country, or even the requirements of a successful party organization; the prevailing belief in the necessity of reforms, which can only be effected by a revolution more thorough than that of 1868; the apparent incompatibility between the democratic constitution adopted in 1869, representing the advanced ideas of this epoch, and the monarchy ingrafted on it as a concession to Spanish traditions; the profound disappointment of the liberal party in the results of their effort to reconcile the throne with a government essentially popular and free outside of the executive department; the inability of the country to maintain the enormous expenditure entailed upon it by the monarchical establishment, and its accessories in the army, church, and civil list; and last, not least, the stability of the popular situation represented in France by M. Thiers—these, and other considerations I need not mention, support the views of those who predict that the successor of Amadeus may be a President chosen by the Spanish people.

The suffrages of the people of this country are divided mainly between the Carlists, the radicals, and the republicans. The first is the party of tradition and reaction. In the rural portions of Spain it is especially strong, and it counts on the support of the larger part of the clergy. The towns are nearly all radical or republican. Outside of the army and navy, and a circle of clever politicians supported by a goodly number of persons in office or on the pension-list, there is no considerable popular strength belonging to the conservative party led by Marshal Serrano. The late dynasty has few advocates outside of a fraction of the aristocracy, which has little influence in Spanish politics. It is said, however, that several battalions of the army have been gained over to the cause of the Prince Alfonso by means often found effectual in the Spanish military service.

If we pass beyond the frontier, it is easy to see that France takes little pains to conceal the indifference with which she regards the fortunes of the present dynasty. The alliance understood to exist between the King of Italy and the German Emperor is a sufficient explanation of this coolness, without assuming that France desires a republican neighbor. Apart from the German sympathies of the reigning house, it is perhaps more in accord with England than any of the other powers, as you must have observed from the hesitation of the British cabinet to second our earnest appeals to Spain for the abolition of slavery and for a more humane colonial policy.

I am, &c.,

No. 422.

Mr. Sickles to Mr. Fish.

No. 386.]

UNITED STATES LEGATION TO SPAIN,
Madrid, June 12, 1872. (Received June 26.)

SIR: Among the topics of political interest that now occupy the attention of the cabinet and the press of Madrid there is scarcely one more prominent than the financial, administrative, and military situation of Cuba. Even the organs of the reactionary party, usually inclined to discredit or to suppress whatever may be said to discourage the hopes or diminish the prestige of those who maintain the *statu quo* in Cuba, point out the unsatisfactory condition of affairs in the island, and invoke the speedy adoption of measures to arrest the downward tendency of Spanish interests in the colony.

It is reported upon good authority that Count Valmaseda has tendered his resignation as captain-general. This was not unexpected, since it is confessed that the last campaign, like those which have preceded it, has made no serious impression on the insurgents, who still keep the field in undiminished numbers, and with the advantage that their chiefs have more experience and their troops are more accustomed to active service.

In the present condition of affairs in the peninsula, it will be difficult to raise and dispatch the re-enforcements required every autumn to make up the heavy losses usually sustained by the royal army of Cuba in each successive campaign. And it is intimated by the organs of the present colonial *régime* that unless the government finds some means to liquidate the large and increasing floating debt in Cuba, exceeding fifty millions of dollars, and most of which is in notes of the Bank of Havana, it will be impossible to prosecute the war with much vigor without Spain herself pays a considerable part of the cost. The resources of this government for such an emergency may be inferred from the circumstance that it has recently negotiated with much difficulty a loan of a million and a half of dollars, at the rate of 21 per cent. per annum, to which commissions and exchange must be added, as it is a foreign transaction.

It is understood that the government desires to borrow a much larger sum, to meet its current expenditures, and for which negotiations have been for some time pending.

I am, &c.,

D. E. SICKLES.

No. 423.

Mr. Sickles to Mr. Fish.

No. 388.]

UNITED STATES LEGATION TO SPAIN,
Madrid, June 19, 1872. (Received July 9.)

SIR: I have the honor to forward for your perusal a translation of a letter published last evening in the *Epoca*, from its correspondent in Havana, describing the present military and economical situation in Cuba. The *Epoca* is the oldest and one of the ablest and most discreet of the journals published at this capital. It is the organ of the reactionary policy in Cuba, the opponent of emancipation, and the firm supporter of the traditional colonial policy of this country. The editors

vouch for the high character of their correspondent, his excellent means for obtaining trustworthy information, and they commend his representations to the immediate notice of the government, if it would save the colony from even graver disasters than it has yet suffered.

You will observe in the communication to which I refer a confirmation of the views heretofore expressed in my dispatches; and as this testimony comes from sources known to be favorable to the past administration in Cuba, which until within a month or two have concealed and denied the facts now confessed and disclosed, it is safe to assume them as a basis for the obvious reflections they suggest.

I am, &c.,

D. E. SICKLES.

APPENDIX B, No. 388.

[From *La Epoca*, Madrid, June 18, 1872.]

[Translation.]

LETTERS FROM CUBA.

HAVANA, May 30, 1872.

When it is generally understood that patriotism consists in hiding the truth and spreading error, in inventing victories and concealing disasters, sad and embarrassing, indeed, is the position of a correspondent who holds the firm conviction that the story of the rebellion of Yara, for forty-four mortal months, has been a lie, and nothing less than a lie; a farce, and nothing less than a farce; a deception, and nothing less than a deception.

To be ignorant of the extent of the evil, and to seek to apply a remedy thereto, is an absurdity; and the national government has never known the extent of the evil because it has been willfully concealed for the purpose of leading the nation to believe that it would be completely extinguished within a given time; that it would be overcome with given resources, and, above all, that the greater part of the road had been already safely passed, and that but one final step was needed to grasp the laurel crown of victory.

This system has cost the peninsula the eighty thousand men it has sent us, and the treasury of this province sixty or seventy millions of dollars, three-fourths of which it owes. This system has cost the peninsula much gold and many tears, much blood and mourning.

Why has this course been so systematically followed? It has been followed because private interests have ever overshadowed the public good; because noisy intrigues have been more potent than silent good faith; because ambition has sought companionship and aid in vanity and greed; because petulance has overruled prudence. Some have grown rich under this system, but the nation and the province have suffered, and we have given our enemies the chance to smite us in the face with the continued vitality of the moribund insurrection.

The "year V of the Cuban republic" is a *sambenito* (robe of infamy) for the valor of our soldiers and sailors, for the sublime abnegation of our volunteers, and for the drossless patriotism of all Spaniards on either side of the ocean. And we wear this *sambenito* still, because, when your correspondent cried for thirty thousand soldiers to be sent at once, and fearlessly showed the obstacles to a restoration of peace, others called the rebellion mere brigandage, and the camps of the enemy mere picket-stations, and said that we only had to close our hands to crush between our fingers those who hid their impotence in the wildernesses of our forests. May God pardon these false prophets all the evil they have wrought, for they should never hope for pardon from the outraged justice of the nation.

I have felt this preamble necessary, in order that I may enter with less embarrassment on the subject-matter of my letter.

I said in my last, of the 30th of April, that we had made little or no progress since November, up to that time, and to-day I am forced to say that we have gained nothing—absolutely nothing—from that day to this. Within the vast domain, seventy leagues in length and thirty-six in breadth, which stretches from the *trocha* (cross-path) to Las Tunas, and from sea to sea, Ignacio Agrimonte marches freely with his Camagüeyans; Villamil leads his skirmish bands, and Vicente García guides his mountain rangers, re-enforced by a band of deserters. Each of these bands is composed of some three hundred or four hundred men, half naked, but generally well armed, and now abundantly supplied with munitions of war. They only face our troops when they have an overwhelming advantage. They oftenest seek to wear them out, because fatigue

things our ranks more than bullets. Powerless to carry out operations of any importance, they have strength enough to keep the troops from moving in columns less than two hundred strong; they hold our detachments in check, and prevent agricultural operations from being carried on outside of the military lines. This is the state of Camagüey, and he who says the contrary either does not know its true situation, or does not wish it to be known.

In the eastern district, moving from place to place at will, are Cespedes, the so-called government and house of representatives, Modesto Diaz, Maximo Gomez, Figueredos, Calisto Garcia Yniguez, Inclan, and several other leaders, with a number of followers which neither I nor any one else can fix, but which our extreme optimists estimate at four thousand. These forces, which always occupy the fastnesses of the Guantauamo chain, and the hills of Santiago de Cuba and Jiguani, have established a system of rotation in such a way, that, supposing that Modesto Diaz quits the neighborhood of Holguin, he goes by way of Mayaré to Guantauamo, Santiago de Cuba, Jiguani, Manzanillo, Bayamo, and Las Tunas, to return to Holguin while other forces occupy in succession the points he abandons, although with some irregularity. It is needless to say that these pre-arranged marches also take place in the reverse direction.

The pirate steamer *Edgard*, recently seized at Kingston, has been set at liberty, and has landed the arms, munitions, and filibusters she carried on the Guantauamo coast. A gun-boat met her and fired into her, but at the first discharge her cannon became useless. Could there be a greater misfortune?

Having thus hastily sketched the military situation, which has been in no wise bettered by the winter campaign, I turn to the financial question, which has grown worse in a most notable manner. Pounds sterling were yesterday sold at 27½ premium at sixty days' sight; bills on Spain at 17; francs at 12; and gold bills on the United States at 14. Thus much for exchange. The premium on gold has here reached 12 per cent.; and discontent is general among the poorer classes. Much alarm exists, since a turbulent demonstration against the money-brokers, and even against the bank, is apprehended. I repeat the rumor, but I think that nothing unpleasant will occur, since, although there are ungovernable elements (*discolos*) always ready to create disturbances, the great majority are anxious to maintain order. It is indispensable, absolutely indispensable, that the Cortez should immediately decide the economical question of Cuba, and that it should be settled in such a way that twenty or twenty-five millions in gold may be speedily sent here to replace an equal amount in bank notes, since this is the only remedy.

I shall now treat of the captain-general. The latter has quitted his encampment at El Canto, just as the house he was building there was completed, and has gone to Santiago de Cuba. From that city he has dated his resignation, which goes by to-day's mail, founding it, according to my information, on the fact that he has not been able to restore peace to the island within the time he himself had fixed. I have not read his resignation, and consequently I cannot vouch for the terms in which it is couched; but I am told that he says that, if the government will retain him in command, he will finish up matters very soon; that the hopes of the enemy have been kept up by the prospect of his recall; that Las Villas, Sancti Spiritus, and Camaguey are already pacified, and that there are only three or four hundred bandits left in the eastern district. I have been told this, but I am far from believing it, for it seems to me every way impossible that the Count de Valmaseda, who knows better than I what is going on in Camaguey, should announce its pacification, still less that he should reduce to three or four hundred bandits the three or four thousand which exist in the eastern department. The Count de Valmaseda has proclaimed to all the world that, conqueror or conquered, he would resign the 30th of May, and quit the island immediately, and it is impossible that he should not keep his word. In view of his resignation, it is necessary that the government should send us a general capable of cutting this military, economical, and political Gordian knot.

I have already said that the true remedy for the monetary crisis and the rates of exchange is to bring hither twenty or twenty-five millions of dollars in gold; but this would help us very little if the expenses of the contest should render indispensable fresh emissions of treasury notes.

If the strife is much longer protracted, want of confidence will become greater, and the gold which might come in on one hand would go out on the other, without our feeling the good effects of its presence.

It is high time that the government should leave off temporizing here and there, and, rising to the due height of its mission, command what it may deem expedient, and make its commands obeyed. The immense majority in this island, and the bulk of its generous volunteers, almost without exception, desire nothing but a lasting peace, the maintenance of order, respect for authority and for honest men, and will stand by any government which has no other criterion than that of law, and is firmly disposed to dispense justice.

This is the general wish, the only popular wish, and the day that it is fulfilled will give us a better Island of Cuba than we had at the breaking out of the rebellion.

No. 424.

Mr. Sickles to Mr. Fish.

No. 389.]

UNITED STATES LEGATION TO SPAIN,
Madrid, June 20, 1872. (Received July 9.)

SIR: The cabinet of Marshal Serrano left office after the very brief tenure, even in Spain, of seven days. It appears that, in view of the extremely critical state of affairs reported in my No. 383, the president of the council of ministers advised the King that it was necessary to suspend those articles of the constitution guaranteeing personal rights. His Majesty declined to sanction this measure, and declared that when he found he could no longer rule in accordance with the constitution he had sworn to maintain, he would resign his office. The announcement of this decision to the council of ministers over which His Majesty presided was followed by their resignation on the spot. The King did not hesitate a moment in accepting the situation thus suddenly presented, and, until an hour afterward, when Admiral Topete, the minister of marine, surprised the chamber of deputies with a brief statement of what had occurred, no intimation of a cabinet crisis had transpired.

Remarkable as Spain is for political changes, nobody was prepared for the transformation that followed. The King went through the customary form of consulting the presiding officers of the two houses of congress, both of whom belong to the conservative party, and, putting aside their advice, immediately sent for Lieutenant-General Fernandez de Cordova, the leader of the radicals since the recent withdrawal of Mr. Ruiz Zorrilla from politics, who was asked to form a cabinet. It seems that, after a conference among the chiefs of the radical party, Rivero, Martos, Cordova, and others, they agreed to take office on condition that Mr. Zorrilla should be named president of the council, with the portfolio of the department of the interior, and that the present Cortes, chosen under the auspices of Mr. Sagasta, should be dissolved, and a new election ordered. These arrangements were accepted by the Crown, and on the following day the cabinet was announced, as follows:

Presidency of the council and home office, Mr. Manuel Ruiz Zorrilla.

Foreign affairs, Mr. Cristino Martos.

Grace and justice, Mr. Eugenio Montero Rios.

Treasury, Mr. Servando Ruiz Gomez.

War, Lieutenant-General Fernando Fernandez de Cordova.

Navy, Rear-Admiral José Beranger.

Colonies, Mr. Eduardo Gasset y Artime.

Public works, Mr. José Echegaray.

You will remember Mr. Martos as the minister of state in the coalition cabinet of Marshal Serrano, formed early in 1871, and with which we succeeded in adjusting several of the questions then pending between the two countries. Mr. Ruiz Zorrilla and Admiral Beranger were also of the same cabinet. Mr. Gasset y Artime, who now takes the colonies, is the director of the *Imparcial*, a radical journal of large circulation, and heretofore regarded as the organ of the Martos group of liberals. Mr. Gasset y Artime has not, I believe, heretofore held office.

It must be admitted that this ministry takes office in the presence of the gravest difficulties. On the first of next month the half-yearly interest on the public debt, amounting in round numbers to twenty-five millions of dollars, becomes due, and there is not a dollar in the treasury to pay it. The financial situation in Cuba is so critical that it causes

even more disquietude than the insurrection, which remains defiant at the close of the fourth campaign. The Carlists' revolt holds out in the north against an army of twenty-two thousand regular troops. General Moriones, lately assigned to the command of these forces, is the third officer who has filled that post within three months. In Catalonia, called the New England of Spain, for the thrift, industry, and independence of its inhabitants, the Carlists' movement is combining so rapidly that General Baldrich, lately appointed to the command of the forces operating in that principality, demands a re-enforcement of no less than ten thousand men. The Duke of Montpensier announces to-day his reconciliation with the Spanish Bourbons, represented by his nephew the young Prince Alfonso, and this publication is accompanied by a manifesto signed by two hundred and thirty generals, deputies, senators, and grandees of Spain, in favor of the Prince, with Montpensier as regent. And although the republican leaders still restrain the impatience of the great body of that party, professing a purpose to pause awhile longer, at least until the struggle between the several monarchical elements becomes yet more pronounced, there is, nevertheless, a numerous body of republicans following the counsels of the Igualdad and the Combate, two of the most popular journals of that party, who insist on taking arms and trying their fortunes in the civil war that seems unhappily to be really inaugurated.

No authorized statement of the purposes of the new cabinet has appeared. The usual manifesto of the president of the cabinet is looked for at an early day. The Official Gazette announces a new set of governors for all the provinces, forty-seven, some of which have already had the benefit of a dozen or more of these dignitaries since my residence at this capital.

It remains to be seen whether the radical ministry, summoned at the eleventh hour to the councils of the King, can deal with a situation so grave, and for which they need not only statesmen, but military talent of no common order. The main current of public opinion runs in their favor. The prestige of the Crown is once more on their side. They lose no time in taking advantage of an opportunity afforded by the resignation of nearly all the incumbents of the principal offices, to fill up the vacant places with their partisans, thus securing the large and profitable patronage of the Spanish government. They promise, through their newspaper organs, to put in operation at once a series of reforms, embracing a large reduction of expenditures, the suppression of useless offices, the separation of church and state, the abolition of conscription for the regular army, trial by jury, the emancipation of slavery, and the extension of the Spanish constitution to the colonies. Whether these promises will be kept—whether, if fulfilled, the resistance such a development of the programme of the revolution of 1868 must encounter will be overcome by the support it should bring to the party that has the courage and the constancy to undertake it in earnest, I shall not venture to predict. To-morrow, I am to offer my felicitations to Mr. Martos, the secretary of state for foreign affairs, and I may then be better able to acquaint you with the views of the new cabinet, so far at least as they concern American interests.

I am, &c.,

D. E. SICKLES.

No. 425.

Mr. Sickles to Mr. Fish.

No. 403.]

UNITED STATES LEGATION,
Madrid, July 11, 1872. (Received July 30.)

SIR: I deem it worth mentioning for your information that on the occasion of the recent anniversary of our national independence, I had the honor to receive at my residence not only the diplomatic body and a notable representation of the society of Madrid, usually present at such festivities, but also all the members of the cabinet, except Mr. Marten Rio, who had been for some days confined to his apartments by illness. Mr. Ruiz Zorrella and his colleagues tendered through me their felicitations and good wishes to the President.

The incident being exceptional in the official courtesies interchanged at this capital, it may be taken as an indication of the desire of this government to cultivate friendly relations with the United States.

The colonial secretary, Mr. Gasset y Artime, alluding, doubtless, to some misgivings I had expressed to his friends about the apparent tendencies of the recent appointments made for Cuba and Porto Rico, intimated that I need have no mistrust of the real purpose of this cabinet to proceed in earnest with the long-contemplated reforms in Cuba and Porto Rico; that with reference to the emancipation act of 1870, he was already occupied in revising the "regulations" for the execution of that measure; that they would soon be published in the Official Gazette, and he was sure I would find them to be an amplification of the law rather than restrictive of it.

This last remark was perhaps effected by a hint I had thrown out to Mr. Martos, the minister of state, to the effect that, unless critically examined by friendly eyes, it might happen that these "regulations," which have been so long in the hands of the council of state, would be made so numerous, complicated, and mischievous as to diminish if not nullify the beneficial features of the statute. I had pointed out that this did occur not long since in the execution of the act to legalize civil marriages, which was afterward encumbered with several hundred supplementary articles under the name of "regulations;" and I had expressed apprehensions that these familiar tactics would be employed by the slaveholders and their supporters, who had already succeeded in suspending the emancipation act for more than two years, on the pretense that, until convenient "regulations" could be devised for the guidance of the authorities, the act could not be put in operation.

Mr. Moret, recently appointed Spanish minister in London, and who, as minister of the colonies in 1870, was the author of the emancipation act, was also present on the evening of the 4th instant, and confirmed the hopes held out by the assurances of the colonial secretary.

If I do not misapprehend the cordiality manifested in the intercourse between the republican leaders, Catelan and others, and the present cabinet, it is not improbable they may co-operate in measures of colonial reform. It is expected that the republicans will have a larger representation than heretofore in the Cortes to be chosen next month.

Mr. Layard informs me that, in his conversation with ministers, they assure him of their purpose to adhere to the policy of emancipation and reform in the colonies, although Mr. Martos protested that any precipitation in that direction might be fatal to any cabinet.

I am, &c.,

D. E. SICKLES.

No. 426.

Mr. Sickles to Mr. Fish.

No. 415.]

UNITED STATES LEGATION,
San Sebastian, August 16, 1872. (Received September 3.)

SIR: I have the honor to transmit herewith, for your information, an official publication of a decree, accompanied by a report of the colonial minister, authorizing the treasury of the island of Cuba to issue bonds amounting to sixty millions of dollars, bearing 8 per cent. interest, and pledging for the payment of the interest and principal of the loan the proceeds of the war-tax, estimated at five millions of dollars annually, and the surplus derived from all other sources of revenue, ordinary and extraordinary.

It appears in the report of the minister that the Cuban treasury owes the Bank of Havana fifty millions of dollars. Twelve millions of this sum were borrowed to pay the expenses of the several expeditions against San Domingo and Mexico, and the remaining thirty-eight millions have been advanced by the bank toward the expenditure incurred in the present war in Cuba. The whole amount of fifty millions was loaned by the bank in paper money, and this large addition to the ordinary paper issue of the bank—ten millions—has, it seems, brought about, in conjunction with other causes, a grave financial crisis in that portion of the island held by the Spanish forces. It further appears that the amount raised in Cuba by taxes and imposts during the last fiscal year was twelve millions of dollars. The loan is to be negotiated in two parts. The proceeds of the first issue of thirty millions are to be applied, first, to re-imburse the Bank of Havana the amount it advanced to the Cuban treasury to pay the cost of the Spanish contingent for the expedition against Mexico; second, to repay the amount advanced by the bank toward the expenditure incurred in the attempted re-conquest of San Domingo; third, to redeem in specie eight millions of dollars in bills of the Bank of Havana, the same being a part of the sum loaned to the treasury for war expenses, so as to reduce the outstanding paper money of the bank, issued on government account, to thirty millions of dollars; fourth, the balance, say ten millions of dollars, to be paid into the treasury to meet appropriations made for the prosecution of the war, and for the ordinary expenses of the next fiscal year.

The decree also provides for leasing the embargoed estates for a term not exceeding six years, the proceeds of which, together with certain treasury credits and the income of the crown property in Cuba, are applicable to the redemption of the remaining thirty millions of paper money issued by the bank on government account. These sources of revenue have not hitherto, it is understood, produced anything, so that it may be presumed that the second issue of bonds is reserved for the gradual redemption of the outstanding paper and the prosecution of the war.

Subscriptions to the loan are to be invited on the 1st of January, 1873, in Havana, Madrid, Paris, and London. The negotiation, the application of the proceeds, and the administration of the revenues appropriated to the payment of the principal and interest are confided to a commission of fifteen persons, three of whom are to be chosen by the bondholders.

You will remark in article 20 of the decree a provision characteristic of all Spanish legislation for Cuba. The captain-general is authorized

to suspend at pleasure any determination made by the loan commissioners.

It will thus be seen that, after four years of war, without quarter, in Cuba, and having exhausted the resources of that rich and productive commonwealth to sustain a cruel conflict, Spain is about to appeal to the civilized world to lend money on a pledge of the revenues of the island, to continue a struggle intended to perpetuate the slavery of the greater part of the colored inhabitants, and compel the unwilling allegiance of a large majority of the sorely-oppressed native population.

In this relation I may state that it appears from a recent publication in the *Imparcial*, a semi-official journal in Madrid, of which the colonial minister was director until he entered the present cabinet, that, "from the beginning of hostilities in Cuba, thirteen thousand six hundred insurgents have been killed in battle, (*acciones de guerra*,) and forty-three thousand five hundred taken prisoners; four thousand eight hundred and nineteen fire-arms, three thousand two hundred and forty-seven shards, malchets, and other side-arms, and nine thousand nine hundred and twenty-one horses, have been captured. Sixty-nine thousand six hundred and forty insurgents have voluntarily surrendered."

As it is believed that all prisoners of war taken are shot or garroted, it would appear, taking the total of killed in battle and prisoners captured, that more than fifty-seven thousand insurgents have fallen since the war began. The Spanish loss is not stated, but it is known from official sources that their force under arms in Cuba exceeds one hundred thousand men, and, as more than half of these troops are unacclimated, their casualties cannot be estimated at less than 15 per cent., or fifteen thousand men annually; making an aggregate Spanish loss of sixty thousand since the declaration of independence pronounced at Yara, in October, 1869. Trustworthy sources of information in Madrid tend to show that this estimate would be exceeded by the official returns if they were published.

I am, &c.,

D. E. SICKLES.

DECREE.

In accordance with the suggestion of the minister of the colonies, and by the advice and consent of the council of ministers, I decree as follows:

ARTICLE 1. The treasury of the island of Cuba is authorized to emit bonds to the amount of \$60,000,000, in two issues. The first issue shall be to the amount of \$30,000,000, and shall take place on the 1st day of January, 1873. The subsequent issues for the remaining \$30,000,000 shall take place when the government shall so order, in view of the necessities of that treasury. The issues shall take place simultaneously at Havana, Madrid, Paris, and London, by public subscription, which shall be opened for the first issue on such day as shall be appointed by the board which is created by this decree to have charge of the loan.

ARTICLE 2. This loan shall be represented by bonds of \$500 each, payable to bearer, with thirty-four coupons attached, payable on the 30th of June and 31st of December of each year. The bonds shall pay an annual interest of 8 per cent., and shall be redeemable semi-annually by lot.

ARTICLE 3. The following revenue shall be specially appropriated to the payment of the interest on this loan and its redemption:

First, the entire proceeds of the extraordinary war-tax, computed at \$5,000,000 per annum. If the actual tax shall not be equal to this sum it shall be increased to such an amount that it shall in no case fail to produce it.

Second, all surplus revenues in Cuba, both ordinary and extraordinary.

ARTICLE 4. These bonds shall be receivable in payment of all governmental taxes in the island of Cuba for the fiscal year preceding that of 1872-'73. It shall likewise in all cases be receivable as bail or security by the government in the island of Cuba.

ARTICLE 5. Interest on this loan shall be paid in Havana, Madrid, Paris, and London,

and the bonds shall be redeemable in the said cities, for which purpose bonds which shall have been taken by subscription in each of the aforesaid cities shall be considered domiciled in the same. In all operations with foreign coin, such coin as may be equivalent to the hard dollar shall be considered the standard.

ARTICLE 6. The proceeds of the first issue shall be applied—

First, to paying to the Spanish bank of Havana, after presentation of its account with the treasury, the amount which it advanced to the said treasury in order to pay the cost of the Spanish contingent for the expedition against Mexico, and to repay the amount advanced by the bank toward the expenditure incurred in the Santo Domingo campaign. This operation, however, shall only take place on condition of the bank receiving the bonds at a rate which will make amends for the difference of interest between the same and that paid by its certificates of indebtedness against the treasury.

Second, to redeem \$8,000,000 in bills of the bank of Havana, the same being a part of the sum loaned to the treasury for war expenses, so as to reduce the outstanding paper money of the bank to \$30,000,000. The redemption of notes shall be made in coin, and in such a manner that coin shall be substituted for them in circulation.

Third, to the treasury of Cuba to meet appropriations made for the prosecution of the war and for the ordinary expenses of the next fiscal year.

ARTICLE 7. After the publication of this decree the issue of notes by the Spanish bank of Havana for the account of the treasury shall cease, and the reduction shall be commenced to the \$30,000,000 to which the circulation of said notes is to be reduced, according to article 6.

ARTICLE 8. For the redemption of the bills remaining in circulation the following revenue shall be appropriated:

First, the proceeds of property belonging to the Crown in the island of Cuba.

Second, sums due to the treasury for taxes and imports as well as treasury credits which the Crown at any time acquire in that island.

Third, the proceeds of property belonging to insurgents and disloyal persons which may have been or may hereafter be embargoed by order of a competent court.

ARTICLE 9. For the execution of this decree a board shall be created having charge of the Cuban treasury loan, which shall have control—

First, of the issue and redemption of the loan provided for by this decree.

Second, of the redemption of \$3,000,000 in notes of the Spanish bank, which are to be exchanged for coin by the proceeds of the issue of the loan.

Third, of the subsequent redemption of the thirty millions in bank notes issued for the account of the treasury, which shall remain in circulation.

Fourth, of the collection of the war-tax.

Fifth, of the management of embargoed property in Cuba, as well as of the collection of other funds appropriated to the redemption of the notes referred to in number two of this article.

Sixth, of the liquidation of debts and credits between the Spanish bank of Havana and the treasury of Cuba.

ARTICLE 10. This board shall be composed of fifteen persons, whose qualifications and the manner of whose election shall be as follows:

Three shall be takers of the treasury loan, and shall be chosen by the other takers of the loan residing in Cuba.

Two shall be merchants, and two manufacturers, appointed by the board of trade of Havana.

Five shall be land-holders, two of them lawyers, chosen by the municipal government of Havana.

One shall be a stockholder of the Spanish bank of Havana, chosen by the board of directors of said bank.

Two shall be functionaries of the government, to be chosen by the superior civil governor.

The offices of president and vice-president (without vote) of the board shall be held by the superior civil governor, and the intendant of finance of Cuba, respectively.

ARTICLE 11. The board shall be formed and shall commence the legal discharge of its duties previously to the issue of the loan. When this shall take place the takers of the loan shall select the three persons who are to form part of the board. If they shall not do so within six months after the closing of the subscription, the government may fill the places of said three persons with others of its own choice; but no public functionaries shall be chosen for this purpose.

ARTICLE 12. The superior civil governor shall proceed to the installation of the board immediately after the persons of whom it is to be composed (excepting the three takers of the loan) shall have been appointed and shall have accepted their appointments. Information shall at once be sent, both of the appointment and acceptance, to the superior civil governor.

Appointments shall be made within fifteen days after the publication of this decree in the *Gaceta de la Habana*; and if, within this time, they shall not have been made by the persons to whom it belongs to do so, they shall be made by the government.

Acceptance on the part of the appointees must be signified within eight days subsequent to their appointment, it being understood that any person who shall not have signified his acceptance to the superior civil governor within eight days, shall be considered as declining the appointment. When this shall take place a new appointment shall be made in due form; and if it shall not be made, or the appointees shall not accept within the period above mentioned, the government shall make any appointments which may be necessary, always of persons belonging to the classes which are to be represented in the board.

ARTICLE 13. The board, after the first issue of Cuban treasury bonds, and after having received the proceeds of the same, shall proceed—

First, to balance the account of the treasury with the bank in the form provided for in article 6.

Second, to redeem the notes of the bank issued for the account of the treasury, in the proportion and form prescribed in numbers 2 and 3 of article 7.

Third, to deposit the rest in the treasury.

ARTICLE 14. The board shall, moreover, as soon as it shall be installed, proceed to take charge of funds appropriated to the redemption of the loan and of the notes, and also of the management of embargoed property. To this effect the superior civil governor shall order that the proper authorities and departments deliver to the board such documents, books, and other articles as may be necessary. The superior civil governor shall adopt all necessary measures for the most speedy and thorough collection by the board of the war-tax, and of the funds appropriated to the loan and to the redemption of notes.

ARTICLE 15. The management of embargoed property shall be performed by the board in conformity with the following bases:

First, formation of partial inventories of the property within six months (which term shall in no case be extended) from the day of installation of the board.

Second, leasing of the property at public auction, which shall be advertised three months previously in the *Gaceta de la Habana*, for a term not to exceed six years, and at a rate suited to the appraisal which shall be made in the inventory.

Third, appraisement by experts, for the fixing of the amount of rent to be paid, when a proposal shall be made for property, the inventory of which shall not have been finished.

ARTICLE 16. One-half of the members of the board shall be changed every year. For the first renewal, the persons belonging to each class shall draw lots, the minority of those represented by an odd number being renewable. The persons constituting this board shall not be re-elected unless a period shall have elapsed during which they have not formed a part thereof.

ARTICLE 17. The officers shall be appointed by the government on proposal of the board, and shall be functionaries of the administration who have served for three years in the peninsula.

The subalterns shall be appointed by the board, according to a classification which shall be approved by the government.

ARTICLE 18. The expenses of the board, as well as those of the issue of the loan, shall be defrayed from the fund known as the "Cuban treasury loan fund," which shall be included in the budget for the island.

ARTICLE 19. The board shall form regulations for its own government, and the instructions necessary for the execution of the services intrusted to it, and shall submit them to the approval of the government through the superior civil governor. The regulations and instructions adopted by the board shall go into operation at once, but shall be considered as provisional until they shall have been approved or modified by the government.

ARTICLE 20. The superior civil governor may suspend any determination of the board reporting at once to the minister of the colonies, by whom such measures will be adopted with regard to the suspension as may be deemed proper.

ARTICLE 21. The minister of the colonies will adopt all necessary measures for the due execution of this decree.

Done at Bilbao, on the ninth day of August, one thousand eight hundred and seventy-two.

AMADEO.

EDUARDO GASSET Y ARTIME,
Minister of the Colonies.

No. 427.

Mr. Sickles to Mr. Fish.

No. 411.]

LEGATION OF THE UNITED STATES,
Madrid, August 18, 1872. (Received August 26.)

SIR: The following is the text of a cable message forwarded to-day from this legation:

"HAMILTON FISH, *Secretary of State, Washington* :

"King has signed regulations enforcing emancipation law in Cuba and Porto Rico.

"SICKLES."

I have reason to hope, from the repeated assurances given me by the minister of the colonies, Mr. Gasset y Artime, that these regulations will appear to have been framed with a sincere purpose to execute the law. If published in the Gazette, I shall lose no time in forwarding a copy for your perusal. In any event I presume a copy will be given to me, although perhaps unofficially, as the minister of the colonies kindly intimated a wish a few days ago that I would read the draught of the document which was then under consideration.

My impression is that, if the election for the congress appointed to meet on the 1st of September proximo prove favorable to the liberal party, the law of 1870 will be made a more comprehensive and satisfactory measure.

Following the tenor of your repeated instructions, I shall regard it as my duty to renew the representations I have so often made in the name of the President on this subject.

I am, &c.,

D. E. SICKLES.

No. 428.

Mr. Sickles to Mr. Fish.

No. 417.]

UNITED STATES LEGATION TO SPAIN,
San Sebastian, August 27, 1872. (Received Sept. 12.)

SIR: I have the honor to transmit herewith an official publication of a decree, dated August 5, 1872, promulgating regulations for the execution of the act of July 4, 1870, concerning slavery in the islands of Cuba and Porto Rico. It appears that the measure was proposed by the colonial minister, with the sanction of the cabinet council, after hearing the suggestions of the authorities in those islands, and in conformity with the advice of the council of state.

No more forcible illustration could be given of the imperfect and unsatisfactory character of the act of 1870 than the perusal of this complicated code of procedure for its execution. It embraces, in chapters, articles, and clauses of articles, about one hundred paragraphs. You will observe that the main feature of the scheme is the organization of a board of seven commissioners in each of the civil districts, jurisdictions, or, as we might perhaps call them, counties. All persons residing within such sub-division of territory, and declared free by the law, are placed under the "protection" of the local board. The governor or lieutenant-governor of the jurisdiction, (in Cuba,) or the major of the

district, (in Porto Rico,) and the presiding officer of the town council, will be *ex-officio* members. Four members are to be chosen, two of whom must not be slave holders, and a secretary will be appointed, who will not vote. The four members appointed will hold office for two years, and serve gratuitously. They will be named by the captain-general from a list of sixteen of the largest tax-payers in the locality, no matter whether or not residents of the jurisdiction or district, one-half of whom shall not be slave-holders. This list is to be made by the chief officer of the jurisdiction or district, and submitted to the captain-general. The boards may delegate to the members thereof executive authority in the localities where they reside, respectively. A central board of commissioners, of twenty-one members, named by the captain-general, invested with appellate and supervisory powers, will sit at Havana.

I have not at hand for comparison a copy of the act of 1870, without which I shall not venture any extended criticism of these arrangements. I may, however, remark that in confiding the execution of this law to those whose unsatisfactory methods of administration have so frequently been the subject of complaint in Cuba and Porto Rico, the government has evidently yielded to the suggestions of the slave-holders, who will of course profit by the opportunities afforded through the complicated machinery created by this decree to diminish the few ameliorations promised by the original measure. I do not see any provision made for a large class of freedmen called "emancipadors"—persons rescued by the authorities from the hands of slave-traders—whose situation especially called for the intervention of the Crown. There is no reason to believe that any considerable number of these people have yet realized the liberty assured to them by a succession of treaties and decrees anterior to the act of 1870. They are now leased for long terms of years to proprietors, many of whom soon report them dead, and then confound them with their herds of slaves.

The Spanish Emancipation Society have published an energetic protest against the refusal of the minister to acquaint them with the outlines of his scheme of regulations. They point out that, while the slave-holders had every opportunity afforded them to present their views, neither the slaves nor anybody in their behalf were allowed a hearing.

I am not without hope that the Cortes now chosen may take up the question of emancipation, and resolve it on a more radical basis. The neglect of the government and the authorities in Cuba to execute the "preparatory" act of 1870 may expedite the passage of a better measure. I shall not fail to make proper representations on the subject to this government.

I am, &c.,

D. E. SICKLES.

[Appendix to No. 417.]

[From *La Gaceta de Madrid*.—Translation.]

MADRID, August 24, 1872.

MINISTRY OF THE COLONIES.

Some errors having occurred in the decree published in the *Gaceta*, as above, of the 18th instant, it is republished below duly corrected :

DECREE.

In accordance with the suggestion of the minister of the colonies, in view of the reports of the superior civil governor of the islands of Cuba and Porto Rico, in conformity with the opinion of the council of ministers and that of the council of state, all the

members being present, I approve the following regulation for the execution of the law of July 4, 1870, concerning the abolition of slavery in the islands of Cuba and Porto Rico.

CHAPTER I.—*Of protective boards.*

ARTICLE 1. According to article 13 of the law, and of other articles referring to patronage, there shall be established in each one of the jurisdictions of the island of Cuba, and in each one of the civil districts of that of Porto Rico, a protective board for the freedmen, under whose protection all those declared free by the provisions of the aforesaid law shall be. In the capital of each island there shall be, moreover, a central board.

ARTICLE 2. The jurisdictional protective boards shall be composed of the governor or lieutenant-governor of the jurisdiction; of the corregidor of the district of Porto Rico, who shall be president; of the first syndic of the municipal government of the capital, or of the only one belonging to said government; of four voting members, proprietors, (two of them not owners of slaves;) of four vice-members, (two of whom shall not be owners of slaves,) in case of sickness, absence, or any other impediment, and of a secretary, who shall have no vote. The supplying of the places of the proprietors shall take place in such a manner that the number of non-slaveholding voting members shall in no case be less than two.

ARTICLE 3. The office of voting member of these boards shall be gratuitous, and shall not be resigned save by those above sixty years of age and those physically incapacitated.

The following members shall not serve as voting members:

First. Foreigners, unless they shall have obtained naturalization papers.

Second. Minors.

Third. Persons unable to read and write.

Fourth. Military men and public functionaries in active service.

Fifth. Persons who have suffered corporal punishment.

Sixth. Those who on account of a judicial sentence are under the surveillance of the authorities.

Seventh. Those who at any time have been condemned for infraction of the regulations concerning slavery, or for offenses whose punishment is provided for by the decree for the suppression of the slave-trade.

The office shall be of two years' duration, and half of the members shall be renewed each year. The two proprietors and the two vice-members who are to retire at the close of the first of said years shall be determined by lot.

ARTICLE 4. For the formation of jurisdictional boards, the governors or lieutenant-governors in Cuba, and the corregidores in Porto Rico, of the chief towns, shall form a list comprising the sixteen largest tax-payers of the jurisdiction, whether they reside in the jurisdiction or not, half of them to own no slaves, in order that the superior civil governor may select from them the four voting members, proprietors, of the boards aforesaid. In subsequent years the lists shall comprise eight persons in a similar position, in order that the superior authorities may select the two who are to replace those retiring.

ARTICLE 5. The jurisdictional boards having been formed of the two ex-officio members, referred to in article 2, and the four proprietors chosen according to article 4, they shall proceed to form a list of eight tax-payers residing in the jurisdiction, half of them owning no slaves, and shall submit it to the superior civil governor, that he may select the four vice-members who are to act as substitutes for the proprietors. For the annual and successive renewals of the half of the vice-members, the board shall only propose four similar tax-payers, that the superior authority may select two. The boards shall adopt no resolution unless three of the four voting members shall be present.

ARTICLE 6. It shall be the duty of the jurisdictional protective boards—

First. To see to the fulfillment of the obligations imposed upon patrons by article 7 of the law concerning the freedmen, referred to in articles 1 and 2 of said law, according to what may be permitted in each case by the state of culture and local conditions, and according to the labor, which they are subsequently to perform, either in town or country.

Second. To endeavor to cause payment to be made of the wages provided for in article 8 of the law for freedmen who have attained the age of eighteen years, taking part in the fixing of the amount, and receiving the half which is to go to form the capital of said freedmen. For the fixing of the pay of the freedmen, the wages assigned to them shall be equal to one-half of the wages earned by free men of their class and occupation.

Third. To endeavor to cause the termination of patronage on the person's reaching the age of twenty-two years, according to article 9 of the law, to produce all its effects. When the patronage terminates by reason of any of the three causes mentioned in article 10 of the law, the boards shall, in the first case, have married persons under

their protection until the husband shall have attained his majority, and they shall seek, without doing violence to their will, to cause them to remain, as laborers, with the patron of the wife. In the other two cases they shall place minors under the patronage of such persons as they may think proper, adhering, for the fixing of their wages, to the provisions of the second *atribucion*.

Fourth. To assist the freedmen referred to in articles 3 and 5 of the law, and those who may not be under patronage, endeavoring to cause such contracts or stipulations as they may make to be best suited to their interests, to the development of agriculture, and the necessities of public order.

Fifth. To exercise the functions of guardianship, according to law, over freedmen under twenty-two years of age, who are not under patronage, and over those who, being also under twenty-two years of age, exercise rights contrary to those of their patrons, representing them, in law and out, through such persons as they may appoint for the purpose.

Sixth. To give or refuse their necessary approbation in stipulation and transfers of patronage, and also in acts whose object is to secure to free parents the patronage of their sons, and to approve such indemnities as they may consider just, as will be hereinafter provided for.

Seventh. To keep lists of the persons whose protection is intrusted to them, and of such changes as may take place in their situations and residence, keeping a separate list of those under patronage, and of freed laborers.

Eighth. To take care, according to provisions of article 14 of the law, that patrons fulfill their obligations to such freedmen above sixty years of age who may remain in the houses or on the estates of their former owners, and to settle such disputes as may arise between them.

Ninth. To deposit, in the name of each party interested, such sums as may be received for the formation of his capital, in the public savings-banks established in Havana, and in San Juan de Porto Rico, or their branches.

Tenth. To take cognizance of resignation of patronage, admitting such as may be based upon causes which the boards may consider sufficient; but such resignations shall never result in the separation of a child less than fourteen years of age from his or her slave mother. Nor shall any such separation be permitted in the case of a transfer of patronage.

Eleventh. To order a change of patronage, granting a hearing to the patron, when a minor who displays some very special aptitude shall demand, either by himself or through another person in his name, a change of occupation, whenever this may require his removal to another place where the patron may not be able to exercise his function, or when the latter may not consent to the change of occupation.

Twelfth. To form such lists as may be necessary for the enforcement of the law, or as may be provided for in these regulations, performing all that is therein prescribed in relation to such documents.

Thirteenth. To propose the appointment of a secretary and other necessary officers, which shall be made by the governor or lieutenant-governors in Cuba, and the corregidores in Porto Rico, and must be approved by the superior civil governor.

Fourteenth. To classify the officers employed in the jurisdiction, fixing their salaries and that of the secretary, submitting it to the approbation of the superior civil governor, who shall hear before giving it to the central board.

Fifteenth. To settle disputes which may arise in relation to admission into or exclusion from the lists of freedmen.

Sixteenth. To settle all questions which may arise between patrons and clients, and all others which may occur in regard to the application of these regulations, acting in conformity with the provisions of such special regulations as may be ordered according to article 18.

ARTICLE 7. In case the disputing parties shall be unwilling to abide by the decision of the jurisdictional boards, they shall have a right to appeal to the central board within thirty days, which shall decide without appeal in administrative order.

ARTICLE 8. Any person feeling aggrieved by a decision of the central board may take such contentious-administrative or contentious-judicial proceedings against them as he may think proper.

ARTICLE 9. Proceedings in the cases referred to in the foregoing article shall be, in contentious-administrative cases, in accordance with the provisions in force for others of their kind; and in contentious-judicial cases they shall conform to the provisions of title 24, part 1st, of the law of civil trials now in force in the islands of Cuba and Porto Rico.

ARTICLE 10. Slaves declared free by article 17 of the law shall be under the care of the protective boards, who shall proceed in respect to them, in the same manner as is ordered for others in the regulations, principally in No. 4 of article 6.

ARTICLE 11. The jurisdictional protective boards may delegate their powers in each of the districts of their jurisdiction to some of the persons included in the list referred to in article 5, designating also another for the office of vice-member, both to be residents

of the district; they shall be nominated by the boards, and the nomination shall be confirmed by the governor or lieutenant-governor in Cuba, and the corregidor in Porto Rico, the appointment then being submitted to the superior civil governor for his approbation. The delegates and vice-members shall always act under the authority of the boards, so that the latter alone shall decide all disputes that may arise, the delegates merely executing their orders.

ARTICLE 12. Persons holding such offices shall be considered as public functionaries, with administrative powers, and shall be subject to the gubernative and judicial responsibility which attaches to their character. The aforesaid officers shall perform their duties gratuitously, and shall not resign their office save in those cases in which the resignation of voting members is permitted.

ARTICLE 13. The central protective board shall reside in the capital, and shall be composed of the superior civil governor, who shall be its president; of a vice-president appointed by said officer of the first syndics of the municipal government of the capital; of sixteen voting members, proprietors, half of them not to be owners of slaves, selected by the superior civil governor from among the one hundred and fifty largest tax-payers of the whole island, whether they reside in the capital or not; of sixteen vice-members, eight of whom shall not own slaves, for cases of absence or sickness, and of the secretary proposed by the board and appointed by the superior civil governor. The latter officer may delegate his functions as president, in special cases, to such person as he may think proper. The places of proprietors shall be filled in such a manner that the number of voting members not holding slaves shall never be less than eight.

ARTICLE 14. As soon as the board shall have been formed, it shall form a list of thirty-two tax-payers, who must be residents of the capital, in order that the superior civil governor may select the sixteen vice-members who are to act in the case of absence or withdrawal of the proprietors.

ARTICLE 15. One-half of the board shall be renewed each year, those members whose functions are to cease at the end of the first year being determined by lot.

The appointments of new voting members, proprietors, shall be made by the superior civil governor, according to article 13, and the vice-members shall be selected by the same superior officer according to article 14. The office of voting member shall not be resigned save in cases provided for in article 3.

No person shall serve as a voting member who may be comprised in any of the cases preceding the seven of the article aforesaid.

ARTICLE 16. The following powers shall belong to the central board:

First. The formation of the general census of slaves.

Second. That of such lists and registers of freedmen in the whole island as it may be necessary to form, or as may hereafter be provided for, with the approval of the superior civil governor; and a general recapitulation of the aforesaid lists and registers shall be published in the *Gaceta de la Capital*.

Third. To take cognizance of and decide complaints which may be presented to it against the decisions of the jurisdictional boards, and in cases in which the latter may consult it.

Fourth. To give due instruction to the jurisdictional boards, taking care that they punctually fulfill the obligations imposed upon them by these regulations.

Fifth. To state to the minister of the colonies, through the superior civil governor of the island, whatever it may deem conducive to the better enforcement of the law, and to the removal of such difficulties as might produce disturbances or injuries both to slaves and freedmen and to owners or patrons.

Sixth. To keep in legal form an account of such sums as each one of the jurisdictional boards may receive as one-half of the wages which are to form the capital of the freedmen.

Seventh. To propose to the superior civil governor, for his approbation, the appointment of a secretary and other indispensable officers, the salaries which they are to receive, and to submit an estimate of necessary expenses.

Eighth. To recapitulate the necessary expenses of all the jurisdictional boards, to take part in the rendering of the accounts of the same, and to prepare a general account, sending it, in the form established by the provisions governing the matter, to the tribunal competent to approve it.

ARTICLE 17. For the procurement of the means necessary for the indemnities provided for in the law, and in order to cover the estimated expenses of all the protective boards, the central board, after having computed the total amount of the indemnities and expenses, shall propose to the superior civil governor of the island the tax to be levied upon slaves between the ages of eleven and sixty years.

The superior civil governor shall send with his report the aforesaid proposed tax to the minister of the colonies, that he may adopt such decision as he may think proper.

ARTICLE 18. The superior civil governor, after having granted a hearing to the central board and the council of administration in Cuba, or to the provincial house of deputies of Porto Rico, shall dictate regulations for the government of the first, the

jurisdictional boards, and the delegates of the districts, in their various protective functions, and in their relations to the superior civil government; conforming his prescriptions strictly to those of the law of July, 1870, and to those of the present regulations.

ARTICLE 19. Slaves who have served under the Spanish flag during the insurrection in the island of Cuba, and who afterward continue in active service, shall not be under the care of the protective boards so long as they remain as freedmen in such situation, concerning which a report shall be made by the superior civil governor to the jurisdictional board which would otherwise have had the care of such persons. Similar information shall be given to the same board when they shall be discharged from military service. The foregoing provisions shall not be applicable to minors, who, in everything not relating to military matters, shall be protected by the boards.

ARTICLE 20. Freedmen who, on account of their bad disposition, manifest an aversion to labor, or are incorrigible, shall be abandoned by the boards to which they belong; and the latter, with the approbation of the central board, shall withdraw from them their protection, reporting the matter to the authorities.

ARTICLE 21. Freedmen for whom, by virtue of the provisions of article 3 of the law, indemnities may be payable to their former owners, shall not receive their papers as freedmen until their situation shall have been examined, in order to fix the amount of the indemnities before the protective board of the jurisdiction to which they belonged as slaves. The boards shall take care that such amounts be fixed, and that the examination aforesaid be made immediately, in order not to delay for a moment the declaration of freedom and the delivery of the proper papers.

ARTICLE 22. The value of persons for whom an indemnity is to be paid shall always be fixed before the proper jurisdictional board, after hearing the opinion of two experts, one named by the department of public finance for each case which may arise, and another by the person to whom the indemnity may be due, or his representative. In case of disagreement between both experts, the board, first granting a hearing to a third party appointed by it, shall decide, as in the previous case, with regard to the amount of the indemnity. All proceedings relative to the same individual shall be limited to a single act, the evaluations made by the boards being subject to the approval of the proper administrator of finance.

ARTICLE 23. Those who, still being in military service, may be stationed as soldiers in another jurisdiction, shall present themselves, with the consent of their officers, before the board of said jurisdiction, that it may be able to fix the amount payable as indemnity, duly reporting at once to the former owner of the freedman or his representative, that he may appoint an expert on his part to be present at the appraisal, although this shall take place even though the party interested fail to appear or to be represented.

ARTICLE 24. In case the owner shall not be represented, the board shall fix irrevocably, and with the approval of the proper administrator or officer of finance, the amount of the indemnity, after having heard the expert appointed by the department of public finance, and another appointed by the board itself. The decision adopted by the board shall be communicated to the owner or his representative, and likewise to the protective board of the jurisdiction to which the freedman belonged as a slave.

ARTICLE 25. Owners whose slaves have served under the Spanish flag, and been killed while in active service, or who may have died of their wounds since the publication of the law in the Gaceta de Madrid, and before these regulations were adopted, shall have a right to the indemnity provided for in article in said law, and shall receive on such ground the sum of fifteen hundred pesetas for each slave.

ARTICLE 26. The indemnities to be paid by free parents, either legitimate or natural, on obtaining patronage of their children referred to in articles 1 and 2 of the law, shall be regulated in such a manner as to represent the difference between the amount of the expense for maintenance and instruction which the patron has incurred for the freedman, and the value of the services which the latter may have rendered gratuitously to his patron.

CHAPTER II.—*Of censuses, lists, and registers, under the charge of the central and jurisdictional protective boards, and of the issuance of free papers to freedmen.*

ARTICLE 27. Those only shall be considered as slaves who may be inscribed as such in the general censuses prepared in the islands of Cuba and Porto Rico by the simple protective board of each; said census shall be considered as definitive whenever it may be in accordance with the provisions contained in the law of July 4, 1870, and the instructions issued by the minister of the colonies for their execution.

ARTICLE 28. The jurisdictional boards shall keep a special list of persons born subsequent to July 4, 1870, which is the date of the publication of said law. In this list, in addition to the circumstances mentioned in the general list of slaves, and which may be applicable to them, the name shall be given, as well as the occupation and residence of the patron who is to fulfill the duties of a guardian to them.

ARTICLE 29. Persons born of a mother who is under patronage, according to the law, shall be included in the list referred to in the foregoing article.

ARTICLE 30. Complaints with regard to the application of the benefits of the law to individuals whose names have been omitted in the proper census or list, may be presented at any time. Those on account of exclusion shall only be received if presented within thirty days from the publication of the list to be formed in each jurisdiction; it being understood that these measures shall not affect the responsibility which it may be necessary to require according to previous legislation. Slaves whose names do not appear in the census formed in the island of Porto Rico on the 31st of December, 1869, which date was prior to that of the publication of the law, although their names were contained in that of December 31, 1867, shall be considered as free; but to their owners shall be reserved the proper indemnities when the Cortes shall have granted them this right.

ARTICLE 31. The superior civil governor shall take care that the jurisdictional protective boards, through one of their voting members, deliver, as soon as possible, (if they have not already done so,) the necessary free papers, both to freedmen above sixty years of age, and to the patrons of minors. The voting member who shall be delegated for this purpose, shall take note of the delivery, which shall be authorized by his signature, that of the patron, or his representative, and those of two witnesses.

ARTICLE 32. The delivery of papers to persons born subsequently to July 4, 1870, shall take place in the form provided for by the preceding article.

ARTICLE 33. The census referred to in article 19 of the law shall in no wise affect the responsibilities and rights referred to in the decree, with force of law, of September 29, 1866, and in the regulations of June 18, 1867.

ARTICLE 34. The protective boards, comparing the aforesaid law of 1866 with the general slave-census, shall endeavor to cause the exclusion from this latter of all those not comprised as slaves of the old one, excepting only those born subsequently up to the time at which by law they are to be free.

ARTICLE 35. The aforesaid boards shall likewise form a list of all persons declared free by the law of July 4, 1870.

ARTICLE 36. The proof of services referred to in article 3 of the aforesaid law shall be intrusted to the protective boards, in order that they may take measures with the authorities for the liberty of the slave. The superior civil governor shall decide finally, such measures being reserved to the parties as they may deem beneficial to themselves against the decisions of the aforesaid officer.

CHAPTER III.—Of patronage.

ARTICLE 37. All freedmen who, according to articles 1 and 2 of the law, have been born since December 17, 1868, and who may be born subsequently, shall be subject to the patronage of the owners of their mothers. In like manner, those who have reached the age of sixty years shall remain under patronage, in the case of article 14 of the law, unless they shall elect to be free.

ARTICLE 38. The powers granted by our laws to the guardians of minors shall be exercised by patrons over their freedmen, they being the legal representatives of the latter.

ARTICLE 39. Freedmen owe obedience to their patrons as to their fathers, and they shall not, without their consent, buy, sell, cede, or alienate, under pain of having such transactions declared null and void.

ARTICLE 40. Patronage is transferable by all the means known in law, and may be resigned for just causes, according to article 11 of the law. No transfer or resignation shall be made in such a manner as to separate a child less than fourteen years of age from its mother.

ARTICLE 41. Patrons are under obligations to maintain their clients, clothe them, and assist them in case of sickness, and to instruct them in the principles of religion and morality, seeking to inspire them with a fondness for labor, submission, and respect to the laws, and love toward their fellow-men. It shall also be their duty to pay the expenses of their baptism and burial. These duties of the patron to the freedmen referred to in articles 1 and 2 of the law.

ARTICLE 42. They shall likewise give their clients the instruction necessary for the practice of a trade or handicraft, instructing them in that one for which they may display most aptitude and inclination, as soon as they arrive at the age of puberty. Any zeal which may be shown by patrons in this matter will be considered as a special and meritorious service.

ARTICLE 43. The patron, as a just remuneration for the duties imposed upon him by the foregoing articles, and for the expenses to be incurred by him in favor of the freedman, shall have a right to the benefit of his labor, without any remuneration, until his client shall have attained the age of eighteen years.

ARTICLE 44. From the age of eighteen to that of twenty-two the freedman shall receive from his patron one-half of the wages of the freedman of his class and occupation, the provisions of the second division of article 6 being observed in fixing the

amount of such wages. These wages shall be divided into two parts, one of which shall be delivered to the freedman, and the other to the protective board of the jurisdiction, in order to form his capital.

ARTICLE 45. The patron of any minor, who shall not have given him the necessary instruction for the practice of a trade or handicraft, according to what may be allowed by the state of culture of the country and the local condition, and suited to the labor which may be performed by the freedman in town or country, shall be obliged to pay to said minor, from the age of eighteen to that of twenty-two, the entire wages of a freedman, whenever this omission may be due to negligence on the part of the patron.

ARTICLE 46. Whenever freedmen sixty years of age shall have chosen to continue in the families or on the estates of their former owners, the latter shall be considered as their patrons.

ARTICLE 47. In case of refusal on the part of the freedman, or of the former master, to comply with the provisions of article 14 of the law, the protective board, after hearing both parties, shall adopt suitable means to insure the execution of said provisions, and shall endeavor to procure work for the freedman according to circumstances.

ARTICLE 48. The protective boards shall take special care that freedmen be not contracted for labors dissimilar to those previously performed by them, keeping on rural estates such as shall previously have been there, but without restricting their liberty.

ARTICLE 49. It shall be the duty of patrons to correct the faults committed by freedmen. The superior civil governor, after hearing the central protective board, shall provide, in a list of regulations, such punishments as shall be imposed by patrons.

CHAPTER IV.—*Of the manner of shipping the freedmen referred to in articles 3 and 5 of the law.*

ARTICLE 50. When persons referred to in article 3 of the law shall receive their free papers, and those referred to in article 5 of the same shall receive their special papers, they shall be consulted by the board delivering said papers with regard to their desire to return to Africa. Their choice shall be stated at once in the list in which their names are enrolled, and in the papers delivered to them. The privilege of choice which is granted to these freedmen shall be exercised only once, and within seventy days after the delivery of their free papers.

ARTICLE 51. Those who may desire to return to Africa shall be at the disposal of the protective board of the jurisdiction until, all persons belonging to the jurisdiction and making the same choice having been assembled, the superior civil governor, having been informed with regard to their number and circumstances, shall order their conveyance to such place of shipment as he may appoint.

ARTICLE 52. The emigrants from the jurisdictions for which a place of shipment shall have been appointed, having been assembled in the port whence they are to embark, shall be taken on board of the vessel which is to convey them, the commander of which shall receive them from the governmental authorities of said place, said authorities being deputed for this purpose by the superior civil governor, the papers of shipment, containing the names of the emigrants, being made out in triplicate. Each copy of this document shall bear the signature of the officer delivering the freedmen, that of the naval officer, or of the captain of the port, and of the commander of the port receiving them. The latter shall keep a copy until he shall have performed the duty intrusted to him, and the two others shall be sent to the superior civil governor, one to be kept in the office of his secretary and the other to be forwarded to the minister of the colonies, authorized copies of said document being delivered to the regent and attorney of the audiencia of the territory.

ARTICLE 53. Emigrants may ship their effects and property, together with such tools and agricultural implements as may belong to them, to the order of the commander of the vessel.

ARTICLE 54. The conveyance of emigrants shall take place to such a point in Africa as may be determined by the superior authorities, according to the instructions of His Majesty's government, the necessary means being adopted to prove that they have been landed at the port appointed.

ARTICLE 55. As soon as the emigrants shall have been landed at the port of destination they shall be absolutely free.

ARTICLE 56. The superior civil governors of the islands of Cuba and Porto Rico shall submit to the minister of the colonies such doubts as may arise in their minds with regard to the enforcement of the law and of these regulations, whenever a legislative or governmental measure may be required, such orders as they may think proper to issue for the due execution of said law and regulations being submitted, in like manner, to the approval of the supreme government.

Done at San Sebastian on the fifth day of August, one thousand eight hundred and seventy-two.

AMADEO.

EDUARDO GASSET Y ARTIME,
Minister of the Colonies.

No. 429.

Mr. Fish to Mr. Sickles.

No. 247.]

DEPARTMENT OF STATE,
Washington, August 31, 1872.

SIR: I have to acknowledge the receipt of your dispatch of the 8th instant, No. 411, containing a copy of a telegram of same date received from you, in regard to the enforcement of the emancipation law in Cuba and Porto Rico.

This intelligence is especially gratifying to this Government, and it is hoped that efficient and practical regulations for carrying out this humane and beneficent object may be enforced.

You will omit no proper occasion to enforce upon the Spanish government the expediency, the humanity, and the justice of making their laws for the abolition of slavery more efficient and more immediately operative, and you will make manifest the strong interest felt by this Government in the adoption of a humane and practical system of emancipation.

I am, &c.,

HAMILTON FISH.

No. 430.

Mr. Sickles to Mr. Fish.

No. 442.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 6, 1872. (Received October 24.)

SIR: I have the honor to forward herewith a translation of the paragraphs relating to Cuba and Porto Rico, which I find in the address to the Crown reported by a committee of congress. They may be regarded as the expression of the views of the majority in the Cortes, and likewise of the executive, since the address is always a cabinet question.

The declaration that there is no reason why slavery may not be abolished, and ample political rights enjoyed in Porto Rico, justifies the hope expressed in my No. 428 that, upon these topics, the Cortes would be found somewhat in advance of the ministry. It remains to be seen if I am too sanguine in believing that the cabinet is not unwilling to yield to the liberal tendencies of the legislature in hastening these measures. At all events, however slow the movement, it is at least evident that some progress is made in this country toward the suggestions so diligently urged by the United States upon the attention of this government for the amelioration of its colonial system.

Concessions made to Porto Rico cannot long be withheld from Cuba.

It appears that the more radical views expressed in the address, compared with the royal speech at the opening of the Cortes, do not satisfy the left of the chamber. An amendment is proposed by Orense, (Marquis de Albaida,) Castilar, De Labra, Marquis de Sardoal, Nuñez de Velasco, Fernando Gonzalez, and Luis Vidart, distinguished names in the republican and ministerial ranks, avowing sentiments touching the insurrection in Cuba and its relation to emancipation that have not hitherto found such formal expression in the Cortes. The debate growing out of this proposition can scarcely fail to involve an interesting discussion of the Cuban question.

In proceeding with reform measures in Porto Rico, without waiting for the pacification of Cuba, the government has seriously alarmed the powerful slave interest in the latter province.

The reactionary press of Madrid hastens to show that an insurrection is imminent in Porto Rico. Failing to hold this cabinet to the fallacy of postponing the redress of grievances in one colony, because in another too much delay had provoked sedition, the conservative opposition now shift their ground, and assert that, since the loyalty of Porto Rico is the offspring of slavery, emancipation will precipitate the tendency toward independence, already formidable in both islands.

It seems that the apprehensions expressed in my No. 397, founded on the Carlist antecedents of General de la Torre and his unfortunate administration of Santiago de Cuba, in 1869, are not borne out by his conduct in Porto Rico. The reactionary party, after commending his nomination, are disappointed by the firmness he shows in resisting their demands, and offended at the freedom he has allowed to the people in the choice of their deputies to the Cortes, most of whom are radical reformers and abolitionists.

He appears, notwithstanding, to retain the confidence of the government.

I am, &c.,

D. E. SICKLES.

APPENDIX A, No. 442.

Extracts from the address to the Crown in reply to the speech from the throne, reported by the house committee of the Cortes, October 2, 1872.

[Translation.]

Colonial affairs claim, in truth, the greatest attention and the most circumspect action, and the congress considers it a most prudent stroke of policy to have brought a remedy to bear on the economical crisis under which Cuba is laboring, by regulating at the same time the administration and the government of our provinces beyond the seas.

It is to be desired that we may continue henceforth to devise and establish measures tending to strengthen the action of the government, raising, with increasing vigor, the moral tone of all branches of its administrative service to such a grade as to avoid all complaints, thus closing the pathway to those evil forebodings and lack of confidence that weaken our mutual ties.

Meanwhile, the course of our valiant and long-suffering army, the skill of our navy, which shares its just deserts, and the patriotism of our resolute and persevering volunteers, shall restore peace to Cuba, curbing the evil designs of those who attack the sacred integrity of our territory.

The congress of deputies desires a speedy termination to the fratricidal strife that wastes the fields of our great Antilla, and it will join with enthusiastic decision in whatever may operate to this end, without regard to the sacrifices which may be necessary in treasure and in blood, rendered imperative by the holy duty of assuring the safety of our cause and the triumph of our rights. This end being attained, the island pacified, and our honor saved, reforms and freedom will no longer be deemed and ridiculed as evidences of weakness on our part, or as concessions exacted and wrested from us, and the congress and the government will seek to give Cuba the enjoyment of her liberties and rights, in loyal fulfillment of the solemn promises made by the constituent Cortes.

In our other Antilla, where peace has not been disturbed, and where the full enjoyment of political rights and the abolition of slavery cannot operate to disturb it, there will doubtless be no delay, as congress hopes, in seeing the promises of the revolution completely realized.

If the practical demonstration of the efficiency of the new régime through past dangers leaves nothing to be desired, an equal advantage must accrue by the overthrow of ancient evils and the radical reform of our laws and institutions now incumbent upon congress, in order that the ideal of justice and liberty, welcomed by the revolution of September, may be a living fact, restoring vitality to our social fabric.

[Translation.]

APPENDIX B, No. 442.

Amendment of Señor Orense to the report of the committee on the house reply to the royal speech.

The undersigned deputies have the honor to propose to the house that the ninth paragraph of the reply to the speech read as follows: "In the other Antilla, wherein peace has not been disturbed, and where the full enjoyment of political rights cannot operate to disturb it, there will doubtless be no delay, as congress hopes, in seeing the promises of the revolution completely realized.

"There is, nevertheless, a question, respecting which there can be no hesitation or postponement of any kind. Slavery is in every way incompatible, not only with the interests of the revolution, but also with the honor of Spain.

"It is also in antagonism with the truly noble attitude of the inhabitants of Porto Rico, who, in anticipation of the work of their legislators, have already begun the spontaneous manumission of their slaves; and with the extremely grave situation in Cuba, where the continuance of slavery may turn the war, until now political and civil, into a terrible and disastrous social war.

"We are urged, therefore, to abolish slavery at a single blow, adopting all necessary measures for the maintenance of order and the salvation of all interests worthy of respect."

House of Deputies, October 5, 1872.

JOSE MARIA DE ORENSE.
EMILIO CASTELAR.
RAFAEL MARIA DE LABRA.
MARQUIS DE SARDOAL.
VICENTE NUNEZ DE VALASCO.
JOSE FERNANDO GONZALEZ.
LUIS VIDART.

No. 431.

Mr. Sickles to Mr. Fish.

No. 443.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 8, 1872. (Received October 24.)

SIR: I have the honor to forward herewith an official publication of a decree, dated 2d instant, organizing a standing army for the provinces of Cuba and Porto Rico, respectively. The term of enlistment is six years, three of which must be in active service and the remainder in reserve, unless in case of war or insurrection; the whole force is required to remain under arms. These troops are to be raised in Spain; first, from the army of the peninsula; second, from the reserves of that army; and third, by recruiting at large. Besides the extra pay allowed for service beyond the seas, each man receives a bounty of \$150, with clothing and transportation home for himself and family at the expiration of his full term of enlistment. The reserves are likewise borne on the rolls of the local militia, or "volunteers," where they reside, and may be armed if employed on plantations.

It is said that, besides the heavy losses in the army of Cuba during the last campaign, the term of service of some seven or eight thousand men has expired, so that in order to keep up the active strength of the organization a re-enforcement of at least twenty thousand is required. In the present condition of affairs in Spain it will be difficult to send any considerable part of these before the close of the year. A law is now pending in the Cortes authorizing a conscription of forty thousand men for the Spanish army, and I presume it will be among these conscripts that most of the "volunteers" for Cuba will be found. This

measure, however, encounters serious opposition, and may not become a law before the end of the month; nor will it be easy in the present temper of the people to enforce another conscription in this country, based as this is on an unequal and unjust system of enrollment, which the present cabinet acknowledges and stands pledged to reform.

Nothing could better illustrate the difference between the colonial policy of Great Britain and Spain than the fact that at a moment when Canada is without a garrison of British troops, a permanent army is found necessary to constrain the unwilling allegiance of Cuba and Porto Rico.

The rumor of the appointment of Lieutenant-General Cordova, at present secretary of war, to be captain-general of Cuba, is again revived, with some foundation, I suspect. The minister of state remarked to me last Friday, however, that no change would be made at present, as General Cordova could not be spared from the war department pending the re-organization of the army, for which he has presented a project to the Cortes. This appointment, if made, would be in all respects excellent.

I am, &c.,

D. E. SICKLES.

[Translation.]

[From *La Gaceta de Madrid*, Madrid, October 4, 1872.]

MINISTRY OF WAR.—STATEMENT.

SIR: The manner of supplying the places of troops whose terms of service have expired in the armies of Cuba and Porto Rico has been a subject of special attention with all preceding governments; there exists no plan, however, as yet, which is both safe and convenient, and at the same time furnishes guarantees of order to those loyal inhabitants, and security to the mother country, which is no less interested in their prosperity than in the strengthening of the bonds which unite her to them.

If, until no very remote period, the difficulty of communication, the erroneous ideas entertained by our people in regard to those provinces, and other circumstances and even prejudices, combined to render harmony between the army of the colonies and that of the peninsula impossible, now that these errors and these difficulties have disappeared, and that communications are rapid, easy, and convenient, the government of Your Majesty thinks that the time has arrived for the reform which it proposes, viz, to furnish said islands with a suitable and sufficient military force, to be maintained by a definite and permanent system.

The want of such a system hitherto has rendered recruiting for the colonial army dependent upon different elements; the conditions of the men who enlisted were also different, and enlistment was even sometimes accepted as a penalty for various offenses, but neither persons sentenced for common crimes, nor those who have been punished for desertion, nor those who have disgraced themselves by bad conduct, nor any other element ill-suited to military service, or capable of corrupting it in its source, should serve as the nucleus of an army, the sacred object of which is to maintain inviolate the honor of the national flag and the integrity of the national soil.

The government which now enjoys Your Majesty's confidence, more fortunate if not more zealous than its predecessors, thinks it has found means to supply this important want by adopting, with some modifications, the system proposed to the Cortes for the maintenance of the peninsular army.

The protracted war now dying out which is kept up in Cuba, also renders it very necessary to increase the national element, better guarantees being thus furnished for tranquillity and order, which have, on more than one occasion, been disturbed by men who were few in number, indeed, but fatal to public peace and prosperity by reason of their turbulent spirit and their hostility to the rule of Spain.

The advantages afforded by the system of dividing the armies of those islands into active and reserve forces are evident, since it thus becomes possible always to have an increase of force ready without imposing any considerable pecuniary sacrifices upon the treasury; this system regulates, in a fixed manner, the rewards offered to the volunteers for their service, exempting them from the discounts which they have hitherto suffered for various reasons; it offers them, at the close of their engagement, a little

property, which will be a benefit to their families, or serve as a foundation of their own fortunes in such rich countries; it secures at all times a return to those who may not desire to remain after the expiration of their term of service, they and their families, should they have any, being conveyed home at the expense of the state; and, finally, it promotes the settlement of those islands with acclimated national elements, thus opening an easier future to the young men who now emigrate to various parts of America, and who will hereafter be able to do so with greater advantage to our own colonial provinces, taking to them the various talents, arts, trades, and other occupations which, finding immediate application in the army, must subsequently become an inexhaustible source of wealth when employed in industry, agriculture, and commerce.

To facilitate means to honest toil, to open up ways to intelligent activity, and to enterprising youth to attain a good position in life, and to give at the same time to our colonial provinces and their army the enthusiasm of patriotic love, the strength and the sap of that same youth which is to defend the flag of Spain, and prosper under its shadow and its protection—such, sir, is the object proposed by the undersigned minister on submitting to the high consideration of Your Majesty, with the approval of the council of ministers, the following draught of a decree for the maintenance of the armies of Cuba and Porto Rico.

FERNANDO FERNANDEZ DE CORDOVA,
Minister of War.

MADRID, *October 2, 1872.*

DECREE.

Pursuant to the suggestion of the minister of war, with the approval of the council of ministers, I hereby decree as follows:

ARTICLE 1. The armies of the islands of Cuba and Porto Rico shall hereafter be formed by means of voluntary enlistments, to which shall be admitted, first, persons belonging to the active army of the peninsula; second, those belonging to the first and second reserves of the same army; and third, men of from twenty to thirty-five years of age, who, while belonging neither to the army nor to the reserves, may desire to enlist, and who are able to furnish satisfactory evidence of good conduct, and who possess the qualifications required by the legislative enactments now in force.

ARTICLE 2. The duration of military service in the armies of Cuba and Porto Rico shall be six years, reckoning from the day of embarkation of the parties enlisted: these shall serve for three years in the active army and for the three remaining years in the reserve.

ARTICLE 3. Persons belonging to the reserve will be required to render active service when called to arms in case of war.

ARTICLE 4. At the expiration of the six years of service, for which the volunteer enlists, he shall be entitled to a full discharge in time of peace, unless he shall have contracted a new engagement; but such discharge may be withheld for six months following the expiration of the engagement if vacancies in the army shall not have been filled by re-enforcements from the peninsula.

ARTICLE 5. In time of war all transfers from the active to the reserve force shall cease; but at the expiration of the six years of service, those who shall have served their full time shall receive their final discharge, unless an order of the government shall require their continuance in the army, on account of this being demanded by the defense of the country or the integrity of the territory.

ARTICLE 6. Volunteers for the armies of Cuba and Porto Rico shall receive 750 pesetas for the three years for which they engage to remain in active service; of these they shall receive 250 at the time of embarking, or before if they can furnish a sufficient guarantee, (which will no longer be required after their embarkation,) and the 500 pesetas remaining on their entering the reserve, after having been for three years in active service.

ARTICLE 7. Persons belonging to the active force or to the reserves of the peninsula, who may desire to be transferred to the colonial army, shall have the time which they have already served in Spain placed to their credit, provided that the time which they have still to serve in Spain, or for which they engage to serve in the colonies, be not less than three years, in which they shall receive the 750 pesetas, paid in the manner provided in the foregoing article.

ARTICLE 8. The volunteers shall begin to draw pay for service in America from the day of their enrollment, receiving moreover the necessary outfit of clothing for the voyage without charge, and being furnished with transportation to the port of embarkation at the expense of the government. No charge shall be made to volunteers for the medical examination which is required previous to their admission.

ARTICLE 9. The government guarantees all pay not drawn and all savings which may be deposited by the troops of the colonial armies in the Cuba and Porto Rico fund,

and all balances standing to the credit of volunteers shall be paid on their embarkation for the peninsula.

ARTICLE 10. Any money belonging to persons deceased shall be placed in the colonial fund within two months after the decease, so that families and heirs may receive it promptly and without any discount. To this end every volunteer, before embarking, must leave at the colonial office a sworn statement, signed by himself, giving the name of the place of his birth, together with the names of his parents, brothers, and sisters, and nearest relatives, to the end that those having legal claims to his property may be known in case of his decease.

ARTICLE 11. On being transferred to the reserve force, after having been for three years in the active service, volunteers may engage in agricultural or any other kind of labor, changing their residence within the territory as it may suit their interests, being only obliged to inform the commanding officer of the regiment or body to which they belong, still being under obligations, however, to return to their standards when summoned in case of war.

ARTICLE 12. Any volunteer, on being transferred to the reserve, may contract matrimony, but this shall not exempt him from the obligation of returning to the ranks in case of war, as provided by the foregoing article. When such summons is made, volunteers shall again receive compensation at the rate of 250 pesetas per annum for such time as they may remain under arms.

ARTICLE 13. Volunteers, at the expiration of their six years of service, shall be entitled to return to the peninsula at the expense of the state, together with their wives, and the children that may have been born to them during the time of their service in the reserve force. They shall retain this right without regard to the number of years that they may remain in the island after receiving their discharge, and although they may have married subsequently to their discharge.

ARTICLE 14. Volunteers, after having completed their six years' engagement in the colonial armies, may contract a new engagement, for three and six years, as they did the first, in which case they shall receive 250 pesetas for each year of service.

ARTICLE 15. Volunteers who, after having completed the first three years of their engagement in active service, may desire to remain in it without being transferred to the reserve, may continue in the ranks, receiving the same compensation of 250 pesetas per annum, and those who may voluntarily solicit it may, in such case, enter the reserve, even though they may not have served more than two years. In this case a discount will be made from the compensation of those entering the reserve before the regular time, according to the time for which they fail to serve in the active force.

ARTICLE 16. Those forming the staff of the army shall likewise enjoy the same advantages as are granted to the volunteers; but first sergeants who aspire to promotion cannot be transferred to the reserve.

ARTICLE 17. Corporals and sergeants of all branches of the army of the peninsula who may desire to be transferred to the army of Cuba or of Porto Rico may do so with the same advantages as private soldiers, in the proportion of one sergeant and two corporals to every one hundred men. To this end they will address their applications through their superior officers to the director-general of infantry, who will designate those who have been longest in the service, if the number of applicants shall exceed the proportion above indicated. Cornet-players and garrison-musicians may enlist in the same proportion as corporals.

ARTICLE 18. Volunteers who have learned one of the professions of medicine, pharmacy, or veterinary surgery, shall perform no duties in the active force, save those connected with their professions, if they shall so elect. These volunteers shall be assigned to the divisions, sanitary companies, ambulances, and hospitals, as auxiliaries of the military board of health. After three years of active service they may undergo competitive examinations for vacancies in the military board of health, pharmacy, or veterinary surgery of the island, or be at full liberty to practice their professions if they enter the reserve.

ARTICLE 19. The advantages referred to in the foregoing article shall be extended to all workmen, masters of mechanic arts or trades which may be useful in the various branches of service of the armies of Cuba and Porto Rico, as well as to the industrial establishments under the charge of the state, the superior authorities taking care that they be assigned in such manner as may best promote the object of utilizing their services in the army.

ARTICLE 20. The captains-general of Cuba and Porto Rico shall establish such schools and academies as may be necessary in time of peace to educate the troops, and their officers shall be held responsible if, at the expiration of the three years of active service, the volunteers shall be unable to read and write correctly.

ARTICLE 21. The captains-general of the two Antilles may summon to arms whenever they may think proper, on account of war, either the whole or any part of the reserve, either by years, arms, divisions, or departments, whether it be to increase the peace or to complete the war footing, making a report of such action to the government.

ARTICLE 22. Volunteers belonging to the reserve shall enroll themselves in the ranks of the divisions of volunteers established in the country when they reside in towns where such divisions exist. Those who are employed on estates or farms may be furnished with a suitable authorization from the captains-general without, for this reason, ceasing to belong to the respective bodies in which they have served, in case of being summoned to arms, according to Article 21.

ARTICLE 23. All advantages which, by the present decree, are granted to volunteers enlisting for service in the armies of Cuba and Porto Rico shall be extended to soldiers of the permanent or expeditionary army of the island of Cuba, so far as applicable to them, if they desire to continue in the service.

ARTICLE 24. All previous provisions relative to enlistment for the armies of Cuba and Porto Rico are hereby repealed, so far as they may conflict with the present decree.

Done at Madrid on the second day of October, one thousand eight hundred and seventy-two.

AMADEO.

FERNANDO FERNANDEZ DE CORDOVA,
Minister of War.

No. 432.

Mr. Fish to Mr. Sickles.

No. 270.]

DEPARTMENT OF STATE,
Washington, October 29, 1872.

SIR: The present ministry in Spain has given assurance to the public, through their organs of the press, and have confirmed the assurance to you personally, (as you have reported in recent dispatches,) of their intention to put in operation a series of extensive reforms, embracing among them some of those which this Government has been earnest in urging upon their consideration in relation to the colonies which are our near neighbors.

Sustained, as is the present ministry, by the large popular vote which has recently returned to the Cortes an overwhelming majority in its support, there can be no more room to doubt their ability to carry into operation the reforms of which they have given promise, than there can be justification to question the sincerity with which the assurance was given. It seems, therefore, to be a fitting occasion to look back upon the relations between the United States and Spain, and to mark the progress which may have been made in accomplishing those objects in which we have been promised her co-operation. It must be acknowledged with regret that little or no advance has been made. The tardiness in this respect, however, cannot be said to be in any way imputable to a want of diligence, zeal, or ability in the legation of the United States at Madrid. The Department is persuaded that no persons, however gifted with those qualities and faculties, could have better succeeded against the apparent apathy or indifference of the Spanish authorities, if, indeed, their past omission to do what we have expected should not be ascribable to other causes.

The Spanish government, partly at our instance, passed a law providing for the gradual emancipation of slaves in the West India colonies. This law, so far as this Department is aware, remains unexecuted, and it is feared that the recently issued regulations professedly for its execution are wholly inadequate to any practical result in favor of emancipation, if they be not really in the interest of the slaveholder and of the continuance of the institution of slavery. While we fully acknowledge our obligation to the general rule, which requires a nation to abstain

from interference in the domestic concerns of others, circumstances warrant partial exceptions to this rule. The United States have emancipated all the slaves in their own territory, as the result of a civil war of four years, attended by a vast effusion of blood and expenditure of treasure. The slaves in the Spanish possessions near us are of the same race as those who were bondsmen here. It is natural and inevitable for the latter to sympathize in the oppression of their brethren, and especially in the waste of life occasioned by inhuman punishments and excessive toil. Nor is this sympathy confined to those who were recently in bondage among us. It is universal as it is natural and just. It rests upon the instincts of humanity, and is the recognition of those rights of man which are now universally admitted. Governments cannot resist a conviction so general and so righteous as that which condemns as a crime the tolerance of human slavery, nor can governments be in fault in raising their voice against the further tolerance of so grievous a blot upon humanity. You will, consequently, in decisive but respectful terms, remonstrate against the apparent failure of Spain to carry into full effect the act referred to. We acknowledge that this may be a difficult task. The reproaches, open or covert, of those whose supposed interests may be affected by it, to say nothing of other underhand proceedings, must be trying to the patience and highly embarrassing to the statesmen who may be the best disposed toward the measure. All, however, who countenance lukewarmness or neglect in carrying it into effect must, more or less, be liable to the charge of duplicity or bad faith, a charge which every man of honor in high station ought to endeavor to avoid.

By the enactment of the law of July, 1870, the government of Spain is practically committed to the policy of emancipation. It is true that the law was far from being as comprehensive a measure as was hoped for by the friends of emancipation both in Spain and throughout Christendom, but it was regarded as the entering-wedge and the first step toward the extermination of a great wrong, and as the inauguration of a measure of justice and of peace, whereby Spain, to her high honor, declared herself in harmony with the general sentiment of modern civilization and with the principles of unquestioned human rights. It is so manifestly due to that sentiment and to those principles that their recognition, as thus evidenced, be made practical and effective by the enforcement of the law, that it cannot be questioned that Spain, with the pride and the honor that mark her history, will no longer delay the execution of the law and the observance of the pledge to humanity and to justice which was implied in the enactment.

There is another view which may be taken of this subject. The Spanish government and the Spanish people are understood to be almost unanimously adverse to the independence of Cuba. It will not be denied that the resistance to the enforcement of the emancipation law proceeds almost entirely from those interested in slave property in the island of Cuba, who have, through the successive ministries to which the government of Spain has been intrusted since the enactment of the law in July, 1870, been enabled hitherto to delay and to defeat its execution by preventing the promulgation of regulations effective for the end to which the law was directed.

An important law is thus nullified through the influence and agency of a class in Cuba who are the most loud in profession of devotion to the integrity of the Spanish territory and to the continuance of Spanish dominion over the island. The example of disregard to laws thus set cannot be without its influence. If Spain permits her authority to be

virtually and practically defied in that island by a refusal or neglect to carry into effect acts of the home government of a humane tendency. is not this tantamount to an acknowledgment of inability to control? If she refuse to enforce her authority in one instance, why may it not be spurned in others, and will not her supremacy, sooner or later, become nominal only, with no real advantage to herself or her colonies. but to the serious detriment of both, as well as of those other powers whose relations, whether of neighborhood or of commerce, give them special interest in the welfare of those possessions?

It is also represented that the grasping cupidity of sugar-planters in Cuba has succeeded in enabling them virtually to annul their contracts with coolies for a limited term of service, coupled with the privilege of returning to their homes at its close, and that those unfortunate Asiatics, under regulations for an enforced re-engagement when their former contract may have expired, are being practically reduced to the same abject condition as the African slaves. If this be true, it is impossible for the government of any civilized country to be indifferent to so atrocious a proceeding. You will mention this subject to the Spanish minister for foreign affairs, and will not conceal the view which we take of it.

The insurrection in Cuba has now lasted four years. Attempts to suppress it, so far futile, have been made probably at a sacrifice of more than a hundred thousand lives and an incalculable amount of property. Our commercial and other connections with that island compel us to take a warm interest in its peaceful and orderly condition, without which there cannot be prosperity.

Cuba being separated from this country by a narrow passage, the temptations for reckless adventurers here to violate our law and embark in hostile expeditions thither is great, despite the unquestioned vigilance of this Government to maintain its duty and the efforts with which the approaches to the island have been guarded by the Spanish cruisers. The said proximity has led Cubans and others, partisans of the insurgents, to take up their abode in the United States, actuated by the hope that that proximity would enable them advantageously to plot and act for the advancement of their cause in the island. We certainly have reason to expect that the great strain upon our watchfulness to thwart those schemes occasioned by the long duration of hostilities in Cuba, should have some termination through a cessation of the cause which hitherto has been supposed to make it necessary for the discharge of our duties as a neutral.

Ever since the insurrection began, we have repeatedly been called upon to discharge those duties. In the performance of them we are conscious of no neglect, but the trial to our impartiality by the want of success on the part of Spain in suppressing the revolt is necessarily so severe that unless she shall soon be more successful it will force upon this Government the consideration of the question, whether duty to itself and to the commercial interests of its citizens may not demand some change in the line of action it has thus far pursued.

It is intimated, and is probably true, that the corruption which is more or less inseparable from such protracted contests is itself a principal agent in prolonging hostilities in Cuba. The extortions incident to furnishing supplies for the troops, the hope of sharing in the proceeds of insurgent or alleged insurgent property, would of course be put an end to by the restoration of tranquillity. These must be powerful agencies in fettering the arm which ought to strike home for peace, for order, and the quiet enjoyment of the citizen. It is reasonable to suppose, too,

that the saving of the public money which must result from a termination of the conflict would alone be a sufficient incentive for a patriotic government to exert itself to the utmost for that purpose.

Besides a measure for the abolition of slavery, and assurances of the speedy termination of the contest in Cuba, we have been assured that extensive municipal reforms would be introduced in the colonies, and that their government would be liberalized. Certainly the Spanish government, with its experience of the past, and with the knowledge which it cannot fail to have of the tendencies of the age, can never expect peaceably to maintain the ancient colonial system in those islands. The abuses of that system press heavily upon the numerous educated natives of the same race, and, if not reformed, must be a constant source of bitter antipathy to the mother country. The repeated assurances of the intention of the government to abolish slavery and to grant liberal reforms in the administration of the island are admissions by Spain of the wrong of slavery, and of the existence of evils which need reform, but are still allowed on the illogical and indefensible ground that concession cannot be made while resistance continues.

A nation gives justification to resistance while admitted wrongs remain unredressed; resistance ceases to be justifiable when no wrongs are either admitted or alleged. Redress wrongs and resistance will cease.

Spain is too great a power to fear to do what she admits to be right, because it is asked vehemently; or because its attainment is sought improperly, she need not apprehend that the reforming of abuses and of wrongs, which she admits to exist, and declares herself ready to correct, will be attributed to an unworthy motive, while delay in removing admitted wrongs which it is within her power to remove places her in a false position, and goes far to justify and to attract sympathy to those who are sufferers from the unredressed wrongs.

Spain itself has been the scene of civil commotion, but prisoners taken in arms have not been put to death as they are in Cuba, nor have amnesties been regarded as dangerous in the peninsula; why should they be so regarded in the colonies? or why should concessions be dishonorable in Cuba that are not so considered at home? The suggestion that they would be is the offspring of the selfishness of those interested in prolonging the contest for private gain.

A just, lenient, and humane policy toward Cuba, if it would not bring quiet, and order, and contentedness, would at least modify the judgment of the world that most of the evils of which Cuba is the scene are the necessary results of harsh treatment, and of the maladministration of the colonial government.

You are aware that many citizens of the United States, owners of estates in Cuba, have suffered injury by the causeless seizure, in violation of treaty-obligations, of those estates, and by the appropriation of their proceeds by those into whose hands they had fallen. Though in some one or two instances the property has been ordered to be restored, so far there has been no indemnification for the damage sustained. In other instances, where restitution has been promised, it has been evaded and put off in a way which cannot fail to excite the just resentment of the sufferers and of their Government, whose duty it is to protect their interests.

The decree of 31st August last, prescribing regulations for the proceedings concerning sequestrated property in Cuba, so far as it recognized the embargo or confiscation of the property of those charged with complicity in the insurrection, as a judicial proceeding, in which

the parties are entitled to be fairly heard, may be regarded as a concession to the frequent remonstrances of this Government, as well as to the requirements of justice. But, unless the action of the board to be constituted under that decree exhibit a very different measure of promptness and of activity from that which has been given to the remonstrances of this Government against the proceedings whereby the property of citizens of the United States has heretofore been seized, the organization of the board will serve only to increase the very just causes of complaint of this Government. It is hoped that it will not be allowed to become the means or the excuse of further procrastination, or of delaying beyond the extremest limits of patience, which have already been reached, the decision upon the many cases which have been the subject of protracted diplomatic correspondence. There will readily occur to you several cases, which need not be specifically enumerated, which have been referred backward and forward between Madrid and Havana to the very verge of the exhaustion of all patience. In the mean time the property of citizens of the United States has been held in violation of the treaty between this country and Spain.

In some of these cases you have been promised the release of the embargo. It is expected that the tardy redress thus promised will not be further delayed by any alleged necessity of reference to this newly-constituted board.

It is hoped that you will present the views above set forth, and the present grievances of which this Government so justly complains, to the government to which you are accredited, in a way which, without giving offense, will leave a conviction that we are in earnest in the expression of those views, and that we expect redress, and that if it should not soon be afforded Spain must not be surprised to find, as the inevitable result of the delay, a marked change in the feeling and in the temper of the people and of the Government of the United States. Believing that the present ministry of Spain is in a sufficiently confirmed position of power to carry out the measures which it announces, and the reforms which have been promised, and to do justice by the removal of the causes of our well-founded complaints, and not doubting the sincerity of the assurances which have been given, the United States look confidently for the realization of those hopes which have been encouraged by repeated promises that all causes for estrangement, or for the interruption of those friendly feelings which are traditional, as they are sincere, on the part of this Government toward Spain, will be speedily and forever removed.

I am, &c.,

HAMILTON FISH

No. 433.

Mr. Sickles to Mr. Fish.

No. 471.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 12, 1872.

SIR: I have the honor to forward herewith some interesting information, respecting slavery in Cuba and Porto Rico, recently communicated to me by the colonial minister. I also inclose a copy of a private note to Mr. Gasset, pointing out the importance of obtaining periodical

returns from Cuba as a means of ascertaining how far the emancipation act of 1870 answers its avowed purpose.

I transmit also a copy of the Gazette containing an official expression of the thanks of the King in recognition of the voluntary manumission of a number of slaves in Porto Rico. It is due to the present cabinet to state that it has inaugurated this method of giving public sanction and praise to such acts, which have before found no favor in the eyes of this government.

I am, &c.,

D. E. SICKLES.

[Inclosure A in No. 471.]

General table of the population of the island of Cuba for the year 1869, classified according to race, condition, and state in life, (married or single,) prepared in obedience to the order of His Highness the Regent of the Kingdom, dated February 1, 1870.

Districts.	White population.				Free colored population.				Colored slave population.				Total colored population.				Grand total of population.				
	Unmarried per-sons of both sexes.	Married.	Widows and	Total.	Unmarried per-sons of both sexes.	Married.	Widows and	Total.	Unmarried per-sons of both sexes.	Married.	Widows and	Total.	Unmarried per-sons of both sexes.	Married.	Widows and	Total.	Unmarried per-sons of both sexes.	Married.	Widows and	Total.	
Bahia Honda	3,311	1,075	159	4,545	634	135	36	805	6,430	38	4	6,472	7,064	173	40	7,277	190	10,565	1,248	199	12,012
Bejucal	9,195	3,870	918	13,983	1,682	333	125	2,140	5,442	121	87	5,650	7,124	454	212	7,790	284	16,603	4,324	1,228	22,055
Cardenas	16,242	6,506	1,379	24,127	1,869	349	103	2,331	96,422	776	125	97,323	28,201	1,195	238	29,654	5,795	50,328	7,631	1,617	59,376
Cienfuegos	19,774	7,231	1,742	28,747	5,851	1,254	311	7,416	16,806	271	133	17,172	22,719	4,525	344	24,582	1,163	43,555	8,756	2,066	54,497
Colon	15,485	5,418	992	21,895	2,741	492	142	3,375	32,437	1,051	69	33,537	35,198	1,543	449	37,190	862	56,545	6,961	1,441	64,947
Guantanamo	10,047	3,921	795	14,763	4,155	551	303	5,019	4,445	69	35	4,549	8,600	620	346	9,065	1,072	30,599	4,541	1,143	34,902
Guantanamo	12,275	4,373	761	17,409	2,340	451	126	2,957	14,872	996	270	16,138	17,522	1,447	396	19,065	1,072	30,599	4,541	1,143	34,902
Guines	20,569	8,457	1,219	30,245	3,807	594	198	4,599	23,470	1,082	62	23,552	27,777	1,683	3,000	31,960	2,382	50,228	10,140	2,319	64,587
Habana	102,936	26,160	3,308	132,404	38,174	5,787	1,405	45,366	27,273	2,007	639	29,919	65,447	7,794	2,044	75,283	4,007	172,390	33,954	5,352	211,696
Jaraco	15,811	6,091	755	22,657	2,501	703	172	3,776	9,145	555	66	9,766	11,646	1,238	238	13,142	493	27,050	7,349	993	36,992
Matanzas	26,264	12,098	2,665	41,027	6,670	970	358	7,998	30,661	915	345	31,621	36,971	1,885	703	39,539	4,111	67,346	13,983	3,368	84,897
Pina del Rio	34,444	9,796	1,553	45,793	10,042	1,464	361	11,867	15,569	307	77	15,947	23,611	1,711	330	15,320	1,996	60,790	11,567	1,965	74,351
Remedios	22,836	8,552	1,118	32,506	4,717	925	253	5,895	9,154	194	77	9,425	13,871	1,119	91	21,519	3,432	40,535	9,671	1,448	49,324
Sagua la Grande	20,233	7,558	687	28,478	2,741	325	69	3,133	18,129	233	92	18,993	20,899	1,568	340	21,411	568	27,824	7,297	1,524	36,640
San Antonio	26,407	6,095	1,184	33,640	1,947	389	112	3,448	8,952	813	228	9,993	10,899	1,203	363	17,187	328	19,546	11,342	1,534	36,640
San Clara	11,628	3,533	558	16,039	1,795	313	76	2,184	5,992	269	61	6,322	7,787	582	137	8,506	71	19,546	4,235	995	24,016
San Cristobal	3,616	1,346	228	5,190	636	65	13	714	2,071	6	1	2,078	2,077	71	14	2,162	20	6,348	1,417	242	8,002
Sra. Ma. del Rosario	7,844	4,252	454	12,550	1,685	570	144	2,399	3,909	181	6	4,947	5,584	1,487	325	7,346	254	13,692	5,679	779	20,150
Santiago	21,442	7,032	1,135	29,609	6,254	1,412	247	7,913	7,171	103	105	7,976	13,425	1,511	247	15,180	169	35,036	8,549	1,382	44,967
Santo Espiritu	13,068	3,921	726	17,715	2,741	1,156	278	4,125	9,459	34	9,493	17,202	1,190	1,190	278	18,740	919	30,559	5,111	1,004	36,574
Trinidad	832	227	72	1,131	220	1	4	226	266	.....	.....	266	466	12	4	502	19	1,337	239	76	1,522
Tilla de Pina	430,320	146,942	23,577	600,840	116,177	20,281	5,210	141,677	284,787	106,5	490	300,969	400,374	30,987	10,573	441,834	33,449	864,073	177,930	34,150	1,076,733
Total	2,495	1,031	220	3,746	335	136	36	507	1,439	135	46	1,620	1,771	270	82	2,127	109	4,378	1,828	311	6,011
Nuevitas	27,581	12,114	1,793	41,488	7,060	2,508	64	11,133	11,668	952	227	12,815	19,626	3,401	492	23,078	197	47,401	15,574	2,655	65,683
Puerto Principe	2,687	595	80	3,371	5,043	144	4	2,431	3,960	4	1	3,964	2,432	346	65	2,845	34	5,153	1,943	154	6,250
Tunas	32,763	13,760	2,111	48,634	10,358	2,984	735	14,081	13,494	1,001	304	11,489	23,832	4,070	1,019	28,120	340	56,015	17,420	3,150	77,744
Total																					

Baracoa	3,730	1,413	211	5,344	3,817	1,062	238	5,137	1,534	39	11	1,584	5,351	1,101	269	6,721	.....	9,071	2,514	440	12,065	
Bayamo	6,907	2,246	692	9,845	9,826	2,137	435	12,308	2,925	50	29	2,304	12,051	2,157	464	14,702	15	19,033	4,423	1,156	24,612	
Cuba	15,473	6,433	1,091	23,037	26,612	8,328	2,259	37,199	26,346	1,900	231	28,727	52,858	10,288	2,720	63,926	428	68,961	16,771	3,861	80,593	
Guantanamo	4,013	1,213	255	5,418	3,962	966	258	5,226	8,509	228	5	8,536	12,491	1,003	263	13,702	71	16,565	2,521	518	19,314	
Holguin	29,111	12,523	1,159	42,793	5,733	1,445	273	7,451	3,751	100	22	3,873	9,484	1,545	293	11,324	52	38,647	14,068	1,454	54,169	
Tiguaní	9,390	3,206	446	13,042	2,834	960	231	4,015	909	38	19	566	3,343	988	250	4,581	.....	12,733	4,104	696	17,623	
Manzanillo	10,384	3,234	492	14,110	9,270	2,156	337	11,763	1,755	56	9	1,820	11,025	2,212	346	13,583	65	21,474	5,446	838	27,758	
Total	79,056	30,308	4,336	113,702	62,074	17,064	4,051	83,189	44,529	2,265	616	47,410	106,603	19,329	4,657	130,589	631	186,494	49,637	9,003	245,134	
																		34,420	1,107,950	245,406	46,455	1,399,811

RECAPITULATION.

	Unmarried.	Married.	Widowers and widows.	Total.
White population	542,131	191,011	30,034	763,176
Free coloured population	188,569	40,333	10,065	238,927
Slave population	342,810	14,062	6,416	363,288
Asiatic population	.....	.....	.....	34,420
Total	1,073,530	245,406	46,455	1,399,811

AUGUSTIN GENON.

HAVANA, May 29, 1870.

[Inclosure B in No. 471.]

PROVINCE OF PORTO RICO.

Slavery returns for 1870 and 1871.

	Under 12 years.	From 12 to 60 years.	Total.
SEPTEMBER, 1871.			
Domestic servants:			
Males	204	962	1,166
Females	81	3,677	3,758
Field hands:			
Males	266	11,802	12,068
Females	209	8,127	8,336
Without occupation:			
Males	3,747	52	3,799
Females	3,699	77	3,776
Total	8,206	24,697	32,903
Totals:			
Males	4,217	12,816	17,033
Females	3,989	11,881	15,870
Total	8,206	24,697	32,903
JULY, 1872.			
Domestic servants:			
Males	43	990	1,033
Females	88	3,287	3,375
Field hands:			
Males	176	11,572	11,748
Females	108	8,072	8,180
Without occupation:			
Males	3,270	92	3,362
Females	3,252	92	3,344
Total	6,937	24,105	31,042
Totals:			
Males	3,489	12,655	16,144
Females	3,448	11,450	14,898
Total	6,937	24,105	31,042

COMPARISON.

Census 1870	39,069	Census 1870	39,069
Census 1871	32,903	Census 1871	32,903
Census 1872	31,042		
		Difference	6,166
White population, 1869-'70	346,437	Census 1871	32,903
Free colored, 1869-'70	270,622	Census 1872	31,042
		Difference	1,861

MADRID, October 1, 1872.

Comparative statement of the number of slaves in this province, as shown by the census of 1872, and that of 1871.

Departments.	Census 1871.	Census 1872.	Decrease.
Capital.....	3,996	3,825	171
Arecibo.....	2,973	2,801	172
Aguadilla.....	3,136	3,033	103
Mayagüez.....	6,750	6,323	427
Ponce.....	7,542	7,258	284
Guayama.....	5,260	4,728	532
Humacao.....	3,205	3,093	112
Total.....	32,862	31,041	1,821

PORTO RICO, July 22, 1872.

NOTE.—The total of the census of 1871 should be 32,903 instead of 32,862. The difference is explained by the fact that 41 slaves are either in prison or in the almshouse. These were not included in the census, their names not appearing in the register, but only as emancipated.

Table showing the number of slaves who on the 31st of December, 1871, were fugitives, or serving out sentence, or demanding civil rights.

Departments.	Fugitives.	In prison serving out sentence.	Demanding civil rights.	Total.
1. Capital.....	84	45	6	135
2. Arecibo.....	42		1	43
3. Aguadilla.....	27		2	29
4. Mayagüez.....	112		2	114
5. Ponce.....	153			153
6. Guayama.....	52		8	69
7. Humacao.....	106		13	110
Total.....	576	45	32	653

PORTO RICO, July 22, 1872.

Table showing the decrease in the number of slaves, from all causes, according to the census of September 1, of the present year.

On account of voluntary manumission.....	553
On account of compulsory manumission.....	40
On account of purchase of freedom.....	38
On account of death.....	185
Total.....	516

PORTO RICO, July 22, 1872.

Table showing the number of slaves who, according to their cédulas, have attained the age of fifty-nine years, which number should be counted as a decrease in the rectification of the census to be published December 1, of the present year.

Departments.	Slaves.
1. Capital.....	30
2. Arecibo.....	17
3. Aguadilla.....	5

Departments.	Slaves.
4. Mayagüez.....	23
5. Ponce.....	39
6. Guayama.....	40
7. Humacao.....	23
Total.....	177

PORTO RICO, July 22, 1872.

Table showing the amount of fines imposed on account of violations of the regulations in regard to slaves from the month of October, 1871, up to date.

	Pesetas.
On account of offenses committed by functionaries.....	824
For infraction of laws and regulations.....	8,200
Fines remitted, which are deducted.....	6,250
Amount of fines paid.....	2,774

PORTO RICO, July 22, 1872.

The 6,250 pesetas which appear under the head of remitted fines are a fine of 6,000 pesetas imposed upon Doña Marciala Sanchez for infraction of article 87 of the regulations concerning slaves. This lady not having the means to pay it, and there being no purchaser for the four negroes who were taken from her, they were set at liberty. The remaining 250 are the half of the fine imposed upon the registrar of Ponce, which was remitted from motives of equity.

Table showing the decrease from all causes, as shown by the census of the present year compared with that of the past.

Departments.	Set free by voluntary manumission.	Set free by compulsory manumission.	Liberated by purchase of freedom.	Decrease by death.	Decrease in consequence of removal.	Persons whose claims are pending.	Not entered in the census of 1872.	Total.
Capital.....	14	5	13	29	69		41	171
Arecibo.....	52	5	20	44	33		16	172
Aguadilla.....	68		1	32	2			103
Mayagüez.....	68	24		45			290	457
Ponce.....	190		20	129	26		126	491
Guayama.....	67		25	84	79		277	532
Humacao.....	38			23	15		36	112
Total.....	497	34	79	386	224	2	786	2,008

PORTO RICO, July 22, 1872.

NOTE.—The difference which is observed in the department of Ponce, where the decrease amounts to 491, whereas it should be 304, is due to the fact that by transfers from other places the returns of the previous year were increased by 187, which added to 7,542 forms a total of 7,729, from which if we deduct 7,238, the figures shown by the returns of the present year, there is a difference of 491, which is the decrease in that department, the real decrease in the number of slaves being 182, as is proved.

[Inclosure C in No. 471.—Translation.]

The superior civil government of the island of Porto Rico has informed this ministry that the owners of slaves whose names appear in the following list have manumitted the slaves mentioned in the same; and His Majesty the King (whom God preserve) has ordered that thanks be presented in his royal name to the said owners.

List of owners who have voluntarily manumitted slaves.

Don Ramon Irizarry y Nazario, his slave Monserrate.
 Doña Margarita Alers, residing in Afiasco, six slaves belonging to her.
 D. Miguel Rodriguez, residing in Sabana la Grande, his slave José Dolores.
 D. José Antonio Amaral, his slave Maria Domingo.
 D. Francisco J. Gonzalez, of La Moca, his slave Juana.
 D. Manuel Solistra, of Aguadilla, his slave Manuela.
 D. Juan Buzó, of Naguabo, his slave Pedro.
 D. Antonio Arana, of Arecibo, his slave Ignacia.
 Doña Belen Torres, of Vega, her slave Ana Maria.
 D. Ambrosio Angleró, of San German, his slave Catalina.
 Doña Juana E. Goicchea, of Quebradillas, her slave Petrona.
 D. Juan Ferrer, of San German, his slave Leonor.
 D. Serafin Noya, of Humacao, his slave Natalia.
 D. Pablo J. Curbelo, of Hatillo, his slave Clemencia.
 D. Francisco Prieto, of Ponce, his slave Jacinto.
 D. Bernardino Fernandez Sanjurjo, D. Gabriel Pitar Cabrera, and D. Maximo de los Santos Gil, their slaves Juliana Arizabalo, Adelina, and Carmen.
 D. Eduardo Quiñones, of San German, his slaves Eustaquio, Tomás, José, Dolores, and Carlos.
 Doña Maria Asuncion Vizcarrondo, of San German, her slave Fabras.
 The nephews of Llera é Isla, of Cayey, their slave Sabina.
 • Doña Juana Francisca de la Fuente, of Arroyo, their slave Marcelina.
 D. Jaime Iglesias, of Quebradillas, his slave Teodoro.
 D. José Maria Nazario and the Nazario estate, their slave Ramon Gonzales.
 D. Juan B. Isern, of the capital, his slaves Angel and Ramon.
 Doña Carlota Colon, of Arecibo, her slave Belen.

[Inclosure D in No. 471].

Mr. Sickles to Mr. Gassett.

Unofficial.]

UNITED STATES LEGATION,
Madrid, November 11, 1872.

SIR: I thank you sincerely for the statistics showing the particulars of the slave population of Cuba and Porto Rico, which I had the pleasure to receive from you on Friday. I observe that the returns for Cuba are for 1869, while those for Porto Rico are brought down to 1872. Allow me to suggest that it would be well, in order to assure yourself of the faithful execution of the law of 1870, to have returns annually from Cuba. Deducting all born since September, 1868, and those who passed sixty years of age after July, 1870, together with the *emancipados*, the returns from Cuba for 1872 ought to show a considerable reduction in the number of slaves as compared with 1869.

Sincerely yours,

D. E. SICKLES.

No. 434.

[Telegram.]

MADRID, *November 23, 1872.*

HAMILTON FISH,

Secretary of State, Washington:

Minister of state put in my hands last night a memorandum of the colonial policy of the cabinet agreed upon this week, which he desired me to communicate to you; it is as follows:

RESOLUTIONS ADOPTED.

First. The military government in Porto Rico shall be replaced by civil authority, an important personage to be named civil governor, the captain-general confining himself to functions purely military.

Second. A decree shall be issued establishing in Porto Rico the municipal law of Spain, with such modifications as are indispensable, in conformity with which free town councils and officers will be chosen.

Third. The law establishing a provincial assembly, of which you have a copy in my No. 158, shall be put in full and exact execution. Heretofore this act has remained inoperative for the lack of town officers.

Fourth. Slavery shall be abolished in Porto Rico. To-day the question is decided in principle, and it only remains to be settled whether the emancipation shall be immediate or gradual. This will be done by means of a bill submitted to congress.

Fifth. These reforms are the fulfillment of the pledges made by the radical party to public opinion in Spain, and will be immediately carried out in Porto Rico, where, happily, in the peaceful condition of that island, they are practicable; and in so doing the radical party gives proof of what it will do in Cuba as soon as its pacification can be obtained.

I am also authorized to state that the views expressed in your number two hundred and seventy, concerning the decree of August last, with reference to embargoed estates, are accepted without reserve by the minister of state. Instructions in this sense will at once be sent to Cuba, and to the Spanish legation in Washington. I am satisfied these guarantees are offered with sincerity, in the hope that they will be satisfactory to the President.

SICKLES,
Madrid.

No. 435.

Articles of armistice between Spain, on the one hand, and the allied republics, Bolivia, Chili, Ecuador, and Peru, on the other.

The mediation of the United States having been offered and accepted toward relieving Spain and the allied republics of the Pacific from the technical state of war which has existed since the hostilities of 1866, the President of the United States has for this purpose conferred full powers upon Hamilton Fish, Secretary of State.

His Catholic Majesty has conferred like powers on Mauricio Lopez Roberts, knight grand cross of the royal Order of Isabel the Catholic; knight grand cross of the Order of Christ of Portugal; grand officer of those of the Conception of Portugal, and of Leopold of Belgium; knight commander of the Legion of Honor of France; superior chief of administration, deputy in various legislatures, envoy extraordinary and minister plenipotentiary of His Majesty Amadeo I, King of Spain, to the United States of America.

The President of the republic of Bolivia has conferred like powers on Colonel Manuel Freyre, envoy extraordinary and minister plenipotentiary of Peru to the United States of America.

The President of the republic of Chili has conferred like powers on Joaquin Godoy, envoy extraordinary and minister plenipotentiary of that republic to the United States of America.

The President of the republic of Ecuador has conferred like powers on Antonio Flores, a senator of that republic, and its minister plenipotentiary *ad hoc*.

And the President of the republic of Peru has conferred like powers on Colonel Manuel Freyre, envoy extraordinary and minister plenipotentiary of that republic to the United States of America. And the said plenipotentiaries having exchanged their full powers, which were found in due and proper form, have agreed upon the following articles:

ARTICLE I.

The suspension of hostilities existing *de facto* between Spain on the one hand and the allied republics of Bolivia, Chili, Ecuador and Peru on the other, is converted into a general armistice or truce.

ARTICLE II.

This armistice shall continue indefinitely, and cannot be broken by any of the belligerents, save in three years after having expressly and explicitly notified the other of its intention to renew hostilities. In this case such notification must be made through the Government of the United States.

ARTICLE III.

Each of the belligerents, during the continuance of this armistice, shall be at liberty to carry on commerce freely with neutral nations in all articles in which trade is considered lawful in a state of peace, all restriction on neutral commerce therefore ceasing.

ARTICLE IV.

The present agreement shall be ratified by the respective governments, and the instruments of ratification shall be exchanged at the Department of State, at Washington, within four months from date.

ARTICLE V.

Those governments which shall not have sent their ratification within the time fixed in the preceding article may make the exchange separately in the two months following.

ARTICLE VI.

If any one of the governments, on account of circumstances over which it has no control, shall not be able to effect the exchange of the ratifications within the terms fixed in the foregoing articles, such delay shall be granted it as it may request from the other party, without necessity for a new agreement.

ARTICLE VII.

The proceedings for the ratification and exchange shall not interfere with the the continuation of the conferences designed for the negotiation of a peace.

In testimony of the stipulations made in the foregoing seven articles, the undersigned, Secretary of State of the United States, in the character of mediator, and the plenipotentiaries of Spain, Bolivia, Chili, Ecuador, and Peru, have signed the foregoing agreement at the Department of State, at Washington, on the eleventh day of April, 1871.

HAMILTON FISH.

MAURICIO LOPEZ ROBERTS,

Plenipotenciario de España.

MAN'L FREYRE,

Plenip. del Peru.

JOAQUIN GODOY,

Plenip. de Chile.

ANTONIO FLORES,

Plenipot. del Ecuador.

MAN'L FREYRE,

Plenip. de Bolivia.

SWEDEN AND NORWAY.

No. 436.

Mr. Andrews to Mr. Fish.

No. 140.]

LEGATION OF THE UNITED STATES,
Stockholm, January 18, 1872. (Received February 17.)

SIR: The regular session of the Diet was opened, with the usual ceremonies, yesterday.

The royal speech, read by the King, expresses the purpose not to submit any plan for the re-organization of the army; it being thought further time is required to reconcile the conflicting opinions which exist on that subject. It says the good harvests of the last few years and the industries of the country have exerted a more favorable influence on the finances than was expected, and that consequently propositions will be submitted for some reduction of taxes. I inclose the speech in French. The following passage occurs in the address to the King by the presiding officer of the Second Chamber:

A century will in a few months have passed since Gustaf the Third, with sure hand, restored the long-displaced balance between the two powers on which, in a constitutional state, authority is divided. The Second Chamber will, for its part, never forget the instruction of that historical event, nor the demands of the present. It is equally important for the conservation of the justice of the Crown, as of its legal liberty, that it shall, without being misled by false ideas of society, which promise much happiness and breed much misery, endeavor in all its work to be worthy the Swedish name.

I am, &c.,

C. C. ANDREWS.

No. 437.

Mr. Andrews to Mr. Fish.

No. 145.]

LEGATION OF THE UNITED STATES,
Stockholm, February 22, 1872. (Received March 16.)

SIR: The fact that Sweden last year exported sixteen and a half million bushels of grain, forty-three thousand head of live stock, and upward of three thousand tons of butter and cheese, may be regarded as evidence of the impulse which, in later years, has been given to agriculture, stock-raising, and the dairy.

The following is a more particular statement of these exports for the year 1871, as taken from an official report.

I.—GRAIN.

	Bushels
Oats.....	13, 859, 654
Wheat.....	392, 975
Barley.....	1, 833, 857
Rye.....	426, 752
Total of grain.....	16, 512, 618

II.—LIVE-STOCK.

Number of horses	1, 052
Number of horned cattle	14, 242
Number of sheep	17, 222
Number of hogs	11, 378
Total head of live-stock	<u>43, 894</u>

III.—BUTTER AND CHEESE.

Number of tons of butter	2, 837
Number of tons of cheese	217
Total tons of butter and cheese	<u>3, 054</u>

The large tracts of grazing-land in the northern part of Sweden, which as yet are but little occupied, afford room for a greatly increased development of the dairy interest. The building of the proposed railroad between Sundsvall and Thronthjem will contribute much to this object.

During the past year there was quite an increase in the number of butter-factories established by share companies. Eight such factories in counties bordering Lake Malar exported one and a half million pounds of butter in 1871.

There was recently published in the Stockholm journals an elaborate review, by Mr. Juhlin Dannfelt, of this industry, with observations on the future good prospects of Sweden for supplying the English market with butter and cheese in competition with the United States and other countries.

There are two dairy-schools in Sweden: one at the Institute of Ultuna, which I have visited, and one at Berggvara. At each of them six female pupils are taught in all that belongs to the management of dairies and cattle, and pay for their instruction, board, and lodging by work. Each school receives an annual allowance from the state of 3,000 rix-dollars.

Private dairy-schools are provided by agricultural societies in two different counties without support from the government.

Besides, at thirteen well-managed dairy-farms in different parts of the kingdom, instruction in butter and cheese making is given to female pupils engaged by the special committee of the Royal Agricultural Society. Their instruction, which includes a two years' course, is paid by a yearly allowance from the state, in all, of 2,000 rix-dollars. These pupils are maintained as other dairy-servants, but, besides practical instruction, are taught writing, orthography, and arithmetic.

It is now not uncommon, both in Sweden and Norway, to have young women take the whole care of the dairy-cattle on a farm, as well as to do the in-door work of the dairy.

Mr. James Howard, in his book on continental farming and peasantry, says a question often asked by thinking men, and one which he remembers no less a person than Mr. Gladstone to have asked, is: "What is the next great step to be taken in agriculture?" Not a few persons evidently think that the next great step must always necessarily be the discovery of something new.

On the contrary, it appears to me that the answer which Sweden (she has twenty-seven agricultural schools, besides two institutes) gives to the question is: "Diffuse among the farming-class the knowledge respecting agriculture already discovered."

Doubtless, if agricultural societies and colleges in other countries would endeavor to give a practical solution of the inquiry, "How shall a practical knowledge of the method of making and preserving good butter be imparted to the young farming-women of the state?" the quantities of rancid butter which now so frequently encumber markets would greatly diminish.

I have, &c.,

C. C. ANDREWS.

No. 438.

Mr. Andrews to Mr. Fish.

[Extracts.]

No. 149.]

LEGATION OF THE UNITED STATES,
Stockholm, March 20, 1872. (Received April 11.)

SIR: The following translation of an item now going the rounds of the Swedish and Norwegian press is a specimen of articles sometimes published in the journals here:

DEPENDING LABORERS.—The Chicago Swedish American, of February 13, says: A contractor, named Jerry Hotchinson, had not for several weeks paid his two hundred workmen a red cent, and was owing them the neat little sum of \$14,000. The workmen, mostly Norwegians, finally became frantic, and meeting Hotchinson one day last week at the corner of Canal and Randolph streets they attacked him and threatened to hang him on the nearest lamp-post; and would surely have put their threat into execution if the police had not interposed. Hotchinson fled to a magistrate's office in the neighborhood, before which the incensed workmen collected, threatening to cut the contractor in pieces if they got hold of him. He slipped out of the back door and thus luckily escaped. Several of the workmen afterward had him arrested and brought before Justice of the Peace Welsh, who released him on bail in the sum of \$500, till the time of trial, which should have taken place last Thursday, but Hotchinson did not appear, and the workmen got information that the swindler had left the city. He naturally enough preferred to lose the amount of the bail than to pay \$14,000 to his laborers. The most of these have families, and are in a pitiful condition. Such strokes of rascality are, alas! not uncommon in the country here.

One of the Stockholm newspapers of this morning contains the following, (as translated:) "A calamity-boding rumor," says the Norsland correspondent of Sundsvall, "has lately been flying about the city producing terror among all credulous and superstitious people, who seem to be more numerous than one would fain believe. It is reported that two old women of the town, completely independent of each other, and without knowing each other's prediction, foretold that Sundsvall, before the expiration of this week, would be destroyed by fire. The details of the prediction gain significance from the fact that one has it that the fire will fall from heaven, while the other supposes it will break out from the interior of the earth. In order more to increase the blind alarm of the simple people a prevailing report has at the same time got out that a comet should dash itself against the earth. It is specially assured that after this comet meets the earth unheard-of downfalls will occur, till about four years thereafter, the last judgment begins.

"How great must not ignorance yet be? How much remains for our 'folk' schools to do, before the rays of their instruction will be able to dispel the thick darkness of superstition?"

* * * * *

The editor exclaims that there is much for the popular schools yet to do before the darkness of superstition will be dispelled. Unfortunately

these schools will need considerable change before they can accomplish such a work. At present they are under the control of the church to a great extent, and the catechism is made to almost monopolize the time of the pupils.

The great merit of the common-school system of Sweden is that it compels every child to learn to read and write. When this is said the most is said.

I have, &c.,

C. C. ANDREWS.

No. 439.

Mr. Andrews to Mr. Fish.

[Extract.]

No. 150.]

LEGATION OF THE UNITED STATES,
Stockholm, March 25, 1872. (Received April 19.)

SIR: * * * Herewith I beg to inclose a report which I have prepared on Swedish manufactures and business.

I am, &c.,

C. C. ANDREWS.

Report made to the Department of State by C. C. Andrews, minister resident at Stockholm, on manufactures and business in Sweden.

The national board of trade (commerce college) of Sweden, at the head of which is Count Manderstiem, formerly minister of foreign affairs, annually publishes a statistical report, among others, on fabrics and manufactures. The latest published report thereon is for the year 1870, and makes a quarto document of eighty pages. The two titles "Fabrics" and "Manufactures" are still used in the report, because originally the latter had regard more to work with hand-power, while the former related to work principally done by machinery. Both are again distinguished from a class of manufactures entitled *handtberh*, (mechanical-manual work,) on account of their being exempt from the regulations of guilds, which the latter was formerly subject to. The system of guilds, borrowed principally from Germany, existed in Sweden from the fifteenth century till 1846, when it gave place to more liberal regulations, whereby any one could freely engage in "handt-verh" on his own account; also keep a shop in country or city, if a master workman, a fixed time of apprenticeship to become a master workman being thereafter dispensed with. The statistics on these matters are principally obtained through local tax-officers. In respect to the valuation of fabrics and manufactures, they are considered inaccurate, and as showing values very much less than the actual amount. Certain companies which have borrowed capital from the public mortgage or loan office are obliged to render sworn returns of their manufactures. These, though regarded as correct, cannot be identified from the rest in the report. The statistics have nevertheless a real value in enabling comparison to be made with the tables of previous years; also, in showing the number and sex of the operatives employed. Nothing is mentioned in the report as to wages. And if it should be attempted to give anything like an accurate and thorough statement as to the condition of the laboring classes in Sweden, investigation would have to be made independently of any published or official returns.

It will probably be unnecessary now to give more than a brief abstract of the report in question, inasmuch as my report on this subject for 1864, as published in "Commercial Relations, 1869," pages 342-3, contains a list of the different manufactures of Sweden and their values. The total value of "fabrics" and "manufactures" in 1870 is stated to be 92,251,084 rix-dollars, or say \$24,254,495 in gold. While it is to be borne in mind that this is much below the actual figures, it is further to be remarked that this amount does not include the value of "*handvert*," the products of which are considered by good judges to be equally as valuable as "fabrics" and "manufactures." Neither does it include the production of metals, wrought iron, charcoal, lumber, distilled spirits, beer, &c., &c. The value of fabrics and manufactures shows an increase over that of 1868 by 84,000,000. The value of each of the following manufactures in

1870 exceeded that of 1868 in the sum mentioned as to each: Porcelain, \$100,000; paper, \$100,000; cabinet-work, \$60,000; sugar-refining, (nearly,) \$1,000,000; matches, \$225,000; cotton cloth, \$397,000; clothing, \$270,000; linen cloth, \$60,000; silk, \$50,000. The following manufactures had in 1870 *decreased* in value since 1868 in the amount stated as to each: Cohes, \$6,000; nitro-glycerine, \$32,000; ropes, \$6,000; window-shades, or roll-curtains, \$10,000; earthen stoves and ware, \$7,600; tallow candles, \$56,000; watches, \$3,500; woolen cloth, \$90,000; sail-cloth, \$55,000.

In regard to silk manufacture, the value of which for 1870 is stated to be 748,462 rix-dollars, it may be interesting to remark that cocoons began to be produced in Sweden a century and a half ago. In 1770 there were two mulberry-plantations at Stockholm, one of which, on Ladugard's laudet, contained 37,328 trees, no trace of which is now to be seen, the ground there being at present used for military manoeuvres. In 1854 the crop of one company amounted to 293 pounds of cocoons; but it would seem that the culture of the silk-worm is now scarcely attempted. The value of the manufacture of *leather* in 1870 is stated at 4,929,279 rix-dollars, or say \$1,300,000 gold, an increase of \$200,000 over that of 1868. The manufacture of boots and shoes, which must be very considerable, comes under the head of "hand-work," and the value is nowhere given.

NUMBER OF FACTORIES, OPERATIVES, ETC.

Number of factories in use, 2,183; number not in use, 222. Number where machinery was worked by animals, 124; by water, 448; by steam, 317; total horse-power of all, 11,573. Number of machines and implements in use, 243,204. Number of separate proprietors: men, 1,846; women, 109. Number of companies, 317. Number of operatives employed, 34,587, of whom 807 were master-workmen. Of those eighteen years of age and upward paying poll-tax, there were men, 7,260; women, 2,524. Those eighteen years of age and upwards not paying poll-tax, there were men, 11,496; women, 6,263. Under eighteen years of age there were males, 3,841; females, 2,396.

The number of proprietors of "hand-vert" establishments in cities was, males, 224; females, 395; employing 12,928 male and 714 female operatives or laborers. In boroughs, 221 male and 9 female proprietors; employing 179 male and eight female operatives. In the country, 6,953 male and 39 female proprietors; employing 5,689 male and 67 female operatives. The report shows the number of persons carrying on "handvert" industry as to each county and as to each trade. Total number of operatives employed in the three classes of manufactures, not including hand-work proprietors, 54,172.

The special tax paid by "Fabrikauter" in cities was 52,400 rix-dollars; in the country, 13,558 rix-dollars. By "hand-verkare" in cities, 61,000 rix-dollars; in the country, 4,630 rix-dollars.

The report shows the export and import of certain leading manufactures. It also contains a list of persons numbering 118 to whom patents had been issued during the year.

Business at the present time (March, 1872) is in an uncommonly active and promising condition. Some Swedish financiers express the opinion that enterprise has for the past year been pushed a little beyond the line of prudence. In 1871 the government confirmed the articles or organizations of 145 new private stock-companies for manufactures and various other enterprises, representing a minimum capital of 40,000,000 rix-dollars. The number of such companies thus organized in 1850, was 5; in 1860, 20; in 1865, 39; in 1868, 74; in 1869, 65; in 1870, 97. The number formed in 1871 equalled the whole number formed the first fifteen years after the present share-company law went into force, which was in 1848.

The recent uncommon enterprise is owing, among other causes, to increased railroad facilities, to the good cereal crops of the last three years, and to the late remarkable rise in the prices of iron and lumber. From October, 1871, to the 1st of March, 1872, the rise in the price of Swedish wrought iron was \$23 (gold) per ton. At the latter date such iron brought \$110 per ton, delivered at the ship, in the port of New York: which, of course, is exclusive of the tariff duty, amounting to about \$30 per ton. The price of lumber January, 1872, was 10 per cent. above what it was the same date 1871. Instances have occurred in the past few months where a moderate fortune has been made in a single sale of iron. Much of the best finds a market in the United States.

One illustration will show the increased thrift in lumber business. In the two parishes of Traustrand and Lima, on the West Dal River, in the section popularly known as Delecarlia, is a timber estate belonging to the parishes, the value of the rent of which for fifty years was officially estimated last autumn at one and a half millions rix-dollars. The lease of it for fifty years, with the privilege of cutting timber therefrom that length of time according to law—no tree less than ten inches in diameter to be cut—has just been sold at auction for two and a half millions of rix-dollars; interest at 5 per cent. The annual income derived therefrom annually by the parishes will therefore be 125,000 rix-dollars.

About two-thirds of all the lumber now shipped from Sweden finds a market in Great Britain.

C. C. ANDREWS.

LEGATION OF THE UNITED STATES,
Stockholm, March 23, 1872.

No. 440.

Mr. Andrews to Mr. Fish.

No. 153.]

LEGATION OF THE UNITED STATES,
Stockholm, April 8, 1872. (Received April 25.)

SIR: I have the honor to inclose a translation into English of the neutrality law of Sweden, proclaimed April 8, 1864, and still in force. Also a printed copy of the law in the Swedish and French languages. A copy of the latter I have also transmitted to the agent of the United States at the Geneva arbitration, for the use of the counsel.

This law is identical with the neutrality law of Norway, as I am to-day informed by Baron V. Essen, chief secretary in the royal foreign office.

A peculiarity of the law is that there is no penalty affixed for its violation, save a warning that a Swedish subject getting into difficulty from having violated it need expect no protection from his government.

I am, &c.,

C. C. ANDREWS.

[Inclosure in No. 153.—Translation.]

[The Swedish neutrality law, as published in "Svensk för fattnings-Samling," the Swedish collected statutes,) 1854, No. 20.]

Ordinance of the King relative to what should be observed for the security of the commerce and navigation of Sweden in time of war between foreign powers. Given at the palace of Stockholm, April 8, 1854.

We, Oscar, by the grace of God, King of Sweden and Norway, the Goths and Vandals, make known that, having recognized the necessity, in view of the collisions which are liable to occur between foreign maritime powers, that those of our faithful subjects who carry on commerce and navigation observe rigorously the obligations and precautions requisite for insuring to the Swedish flag all the rights and privileges which belong to it as neutral, and to avoid also everything which can in any manner render it suspected by the belligerent powers and expose it to insults, we have deemed it proper, revoking that which has heretofore been fixed in that regard, to ordain that the following regulations henceforth be generally observed:

§ 1. In order to be able to enjoy the rights and privileges belonging to the Swedish flag as neutral, every Swedish vessel must be furnished with documents which, according to existing ordinances, are required to state its nationality, and these documents must be always found on board the vessel during its voyages.

§ 2. Masters of vessels are prohibited from having false or double ship's records, and bills of lading, as well as from hoisting a foreign flag on any occasion or under any pretext whatever.

§ 3. Should it happen that during the stay of a Swedish vessel in a foreign country the ship's crew, either by desertion, death, sickness, or other cause, shall be diminished to such an extent as to be no longer sufficient for the management of the ship, and that thereby foreign sailors must be engaged, they must be taken, in preference, from among the subjects of neutral powers; but in any case the number of subjects of belligerent powers which are found on board the vessel must not exceed a third of the total ship's crew. Every change of this nature in the *personnel* of the vessel, with the causes which have led thereto, must be indicated by the captain on the roll of the ship's crew; and the fidelity of this record must be certified by a competent Swed-

ish consul or vice-consul, or in case no such officer is found in the place, by the municipal authority, notary public, or some other person of similar authority, according to the custom of the respective countries.

§ 4. Swedish vessels, as neutral, can freely sail to the harbors and coasts of nations at war. Nevertheless, masters must abstain from every attempt to enter into a blockaded port when they shall have been formally notified of the condition of the port by the officer who commands the blockade. By a blockaded port is understood one which is so closed by one or more of the enemy's war-vessels stationed there, that a vessel cannot enter without evident danger.

§ 5. All merchandise and property of subjects of belligerent powers, excepting contraband of war, can be freely carried on board of Swedish vessels in their quality of neutral. By contraband of war is understood the following articles: cannons, mortars, arms of every sort, bombs, grenades, shot, flints, matches, powder, saltpeter, lead, cuirasses, pikes, belts, cartridge-boxes, saddles, and bridles, as well as all fabrications which can be used directly in the practice of war, excepting, nevertheless, a quantity of these articles which may be necessary for the defense of the vessel and crew. In case where, with reference to the defining of articles contraband of war, changes or additions must be introduced in consequence of treaties with foreign powers, the same shall be further prescribed.

§ 6. Masters of Swedish vessels are prohibited from allowing the vessel which they conduct to transport for any of the belligerent powers dispatches, troops, or munitions of war, unless they are constrained thereto by actual force, in which case they must protest formally against such compulsion.

§ 7. Vessels of belligerent powers can import into and export from Swedish ports all commodities and merchandise, provided they comply with the general tariff law, excepting such as are considered contraband of war.

§ 8. Every Swedish subject is prohibited from arming or equipping vessels to be employed against any of the belligerent powers, their subjects and property, or to engage in the equipment of vessels having such a destination. He is equally forbidden to engage in service on board a foreign cruiser.

§ 9. No foreign cruiser shall be permitted to enter into a Swedish port or remain in Swedish roads. Prize-vessels shall not be brought into Swedish harbors, except in case of evident distress; neither be adjudged as prizes nor sold therein. Our subjects are also forbidden to buy captured goods of privateers of any sort whatever.

§ 10. When a master of a Swedish vessel sailing without armed convoy is met on high sea by any war-vessel of one of the belligerents having the right to examine his ship's papers, he must neither refuse or seek to evade such examination; but he is bound to produce his papers loyally and without delay, as well as observe that neither before nor during the visitation any of the documents concerning the vessel or cargo be destroyed, concealed, or thrown into the sea.

§ 11. When merchant-vessels sail under convoy of vessels of war, the masters must conform themselves to what is prescribed in the royal ordinance of the 10th of June, 1812.

§ 12. When a master of a Swedish vessel observes everything above prescribed he shall enjoy, according to treaties and the law of nations, free and unmolested navigation; and if, notwithstanding, he is molested he has right to rely upon the most energetic assistance on the part of our ministers and consuls abroad, in all just demands which he can make to obtain reparation and indemnity; on the contrary, any master of a Swedish vessel who omits and neglects to observe what has just been prescribed for his conduct may blame only himself for the inconveniences which may result from such neglects, without counting upon our protection.

§ 13. In case a Swedish vessel is seized, the master must send to the Swedish consul or vice-consul, if there is one in the port where his vessel is taken, otherwise to the nearest Swedish consul or vice-consul, a complete and duly certified report of the circumstances of this seizure with all the details.

All concerned must implicitly obey what is above prescribed. In faith of which we have signed this with our own hand, and have caused to be placed thereto our royal seal.

Palace of Stockholm, April 8, 1854.

J. F. FAHRÆUS.

OSCAR. [L. S.]

Ordinance of the King concerning the interpretation of the fifth section of the royal ordinance of April 8, 1854, concerning what must be observed for the safety of commerce, &c., &c.

We, Charles, &c., &c., * * * * make known that the fifth section of the royal ordinance of the 8th of April, 1854, &c., having given rise to different interpretations, we have judged it good and useful to declare that the restriction carried by the said section to the right of carrying, in Swedish vessels, goods contraband of war does not apply to the case where goods of this description which do not belong, or which are

not destined, to belligerent powers or their subjects, are carried in Swedish vessels between the ports of neutral powers. (Ending the same as close of § 13 above.)

Palace of Stockholm, July 29, 1870.

CHARLES. [L. S.]

AXEL ADLERCRENTZ.

Then follows notice published in the official newspaper, "Post och Inrikes Tidning," June 21, 1856. That the King adheres to the principles of maritime law in time of war, contained in the declaration signed by the powers which have taken part in the negotiations of peace at Paris, the 16th of April last.

1. Privateering is and remains abolished.

2. Neutral flags cover the enemies' merchandise with the exception of contraband of war.

3. Neutral merchandise, with the exception of contraband of war, is not seizable under the enemies' flag.

4. Blockades to be obligatory must be effective, that is to say, maintained by a sufficient force to actually prohibit access to the shores of the enemy's coast.

No. 441.

Mr. Andrews to Mr. Fish.



No. 158.]

LEGATION OF THE UNITED STATES,
Stockholm, May 10, 1872. (Received May 29.)

SIR: I take pleasure in being able to inform you that during the past three months there has been in Sweden an almost general increase of the wages of mechanics 25 per cent.

This is owing, aside from the prevailing prosperity, partly to the organizations which workmen have effected and partly to the influence of emigration, which is going on with marked activity. It is considered by those who have investigated the matter that the cost of living here has increased 50 per cent. in the past fifteen or twenty years.

I have, &c.,

C. C. ANDREWS.

No. 442.

Mr. Andrews to Mr. Fish.

No. 166.]

LEGATION OF THE UNITED STATES,
Stockholm, August 5, 1872. (Received September 25.)

SIR: I have the honor to send herewith a report which I have prepared on the forest and forest-culture of Sweden. It comprises a practical description of the manner of growing and the economical management and use of forests, as well as a translation of some of the principal laws on the administration, care, and preservation of public forests and for the support of instruction in forestry.

I also transmit four different treatises, in Swedish, on forest-culture, cited in the report; also, a report of a commission in regard to further legislation concerning the forests.

The commission first mentioned recommend legislation in Sweden similar to what obtains in many other countries of Europe, prohibiting owners of private forests from cutting, for commercial purposes, trees under a certain size. The fact that some kinds of trees require several

generations for their full development, and that the climate and supply of water in a country are much influenced by the existence or non-existence of forests, affords strong grounds for such a law.

Trusting that this document may be of some help in shaping the much-needed legislation in the United States for promoting regrowth and the preservation of forests, I remain, &c.,

C. C. ANDREWS.

[Inclosure.]

REPORT TO THE DEPARTMENT OF STATE BY C. C. ANDREWS, MINISTER
RESIDENT OF THE UNITED STATES TO SWEDEN AND NORWAY, ON THE
FORESTS AND FOREST CULTURE OF SWEDEN.

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I.—NATURE AND EXTENT OF THE FORESTS OF SWEDEN.

The great mass of the forests of Sweden is found in the north central part of the country, and consists principally of the so-called Scotch pine and the white or Norway spruce, both of which grow to great size and are highly esteemed for their timber. The common European oak has its natural northern boundary along the river Dal, but is cultivated up to Lundsvall, in latitude 62° 20'. It is a splendid tree, a favorite ornament of parks, and produces timber superior to the American white oak. The beech abounds in the south part of the kingdom, and is cultivated even north of Upsala. However, the species most numerous, next to the fir, is the white birch, which has a beautiful drooping foliage and is useful for timber. It is found in all the forests and is not unfrequently used for avenues at county seats. It furnishes the principal fuel. The lime (in Swedish, *lim*) makes a handsome and vigorous tree, and it is not uncommon to see it forming splendid avenues a couple of centuries old. The gray alder is very common and merits particular notice on account of its large size. The elm, (less stately than the American,) the soft maple, the ash, the poplar, the hawthorn, (oxel,) large and handsome, are also common.

On the whole, Sweden appears to be a natural forest country. Nor is the climate unfavorable to a fair variety and hardy growth of trees. Observations at Stockholm, from 1754 to 1863—one hundred and nine years—show that the extreme of heat during that time was 96° F., and the extreme of cold 25°·6 below zero, Fahrenheit. At Haparanda, the most northerly port, also in Jemtland, the mercury frequently freezes. [For some remarks on the fruit-trees of Sweden, see report on the agriculture of Sweden, "Commercial Relations United States, 1870," p. 385.]

In 1850, the then chief director of the Forest Institute estimated the area of land in Sweden which bears, or is suitable for bearing, forest at 30,000,000 acres, which agrees with the estimate of other authorities; and he expressed the opinion that if forest-growing was properly attended to the country would not only have enough product therefrom for its own use, but a quantity for export, which, at the then increased price of lumber in southern countries, would be more profitable than the export of iron. He maintained, however, that forest economy up to that time had been managed with the greatest want of care.

Mr. Forsell, in a paper on this subject, published in 1844, shows that a lack of timber was beginning to be felt in many parts of Sweden, and states that Stora, Kopparberg, and Gelleborg were the only counties so rich in forests as to be sure of their preservation for a long term of years without an improved system of forest economy. And he adds that, if such a system shall not be established, the whole country will soon suffer for the want of forests.

As proof, however, of the efforts in this regard which were being adopted by the Forest Institute, as well as the Iron Office, it may be mentioned that on Wising's Island 700 acres were planted with oaks, the sand plains of Christianstad and Holland counties were planted with trees, and improvements were made in the royal parks.

At present one sees along the principal routes of travel a generous supply of forest, though the trees are mostly young; and the surface of the country, being agreeably undulating and abundantly supplied with clear streams and lakes, tends to produce a favorable impression. The growth of young forest on patches too rocky for tilling, or even grazing, and the scattered seed-trees left standing in places where wood or timber has been cut off in the larger forests, remind the traveler of the attention to forest-culture which is becoming general.

The annual growth or production of forest may be calculated, says Thomée, at 22 fanns, (a Swedish "famn" is a little less than a cord,) of 100 cubic feet Swedish, per tunnland—say 20 cords per acre, a tunnland being equal to 1.22 acres—estimating the time of regrowth at 100 years, usual in the south and middle parts of Sweden, so that 300,000 acres growth out of the 30,000,000 acres are consumed annually, and the annual product according to the present resources of the forest is 6,000,000 cords.

The consumption of forest is calculated by Forsell at 7,230,000 fanns yearly, including the export of boards and heavy timber. Ström estimates it at 7,755,200 fanns; Ljungberg, again considering the increase of population for the present, at least 8,865,200 fanns. Supposing the production to amount to 5,700,000 fanns, there occurs, says Thomée, a yearly lack of 3,165,000 fanns, which should be supplied in a way not to draw on the forest for more than it can yield. According to the opinion of experts, if cultivation is properly attended to, the Swedish forests can supply that need and a considerable surplus.

The export of all sorts of timber and wood from Sweden in 1870 amounted to 109,000,000 cubic feet, besides 14,000,000 sticks of wood and other timber. The total area of forest-land under the care of the administration of forests is 5,000,000 acres.

	Rix-dollars.
The receipts from the sale of timber and wood from the public forests for the year 1870 were.....	438,301 27
Expenses for same period.....	354,038 06
Leaving a balance of.....	84,263 21

Of the expenses there were appropriated:

For the bureau of administration	21,800
For the Forest Institute.....	15,300
For the forest schools.....	25,400

For the purpose of forest administration, the kingdom is divided into six districts, with a forest inspector, and about twelve "jäg mästare" (hunting-master or forester) for each district.

II.—HISTORICAL SKETCH OF FOREST ADMINISTRATION.

Most of the countries of Europe, and Sweden among them, appear to have borrowed the principal part of their forest science from Germany, which has long occupied the foremost position in respect to forest administration and forest literature.

Forest regulations were issued by the Swedish government as early as 1647; and even before that, private owners were required by law to plant and protect from cat-

the two timber trees for every one cut. The owners of privileged estates were exempted from this last requirement by the diet of 1734, but it continued to apply to tax-paying estates and to crown-lands leased to private persons till 1789. Regulations for the forest were again issued in 1793, but they were soon found unsatisfactory, and in 1798 a commission was appointed, consisting of six persons, to devise new regulations, which, after five years' labor, reported an amendment of fifteen sections of the forest regulations, and their project was finally confirmed and issued in the form of forest regulations, August 1, 1805. The same day a royal circular letter was sent to each of the county or provincial governments, ordering a project to be presented for a law on the duty of replanting forests. Shortly afterward, Professor F. W. Radloff was commissioned to visit Germany to study its forest system, and his report was submitted, in 1809, to the before-mentioned commission. The subject was, in 1810, remitted by the diet to the administration of marine affairs and the bureau of public or crown lands and of mines; which, after the provincial governors had expressed their opinion thereon, recommended (1819) that each county or provincial government should work out a plan adapted to its own locality, and that a committee for the whole kingdom might then be appointed to prepare a final project for a law on this subject. The matter was taken up in the cabinet in 1820, but was postponed till 1823, in order to be united with a law for the sale of crown timber; and the result was that regulations for the crown forests were issued by the government in 1824. Early in 1828, a committee of three persons was appointed by the government to report a project for the economy of public and private forests and amendments to the laws in regard to hunting. The committee reported the same year in favor of the establishment of a forest institute, to be located in the deer park, close to Stockholm, of suitable instruction in hunting, and the establishment of a central bureau or administration for the management of forest affairs. The government established the institute, and confirmed the plan for its operation. The committee, on further consideration, being of opinion that the administrative duties could be performed by the chief director of the institute, the government postponed establishing the central bureau of administration, but charged the committee to prepare a new plan of instruction in regard to hunting and the management of forests. Report having been made as to the principles which should obtain therein, the committee was again, in 1836, ordered to report regulations in conformity with such principles for instruction in the forest and hunting establishment. Their projects were presented in 1837, and the government issued an order embodying the same March 16, 1838.

Influenced by the action of the sixth Swedish national agricultural fair of 1853, no less than by that of the diet in 1853 and 1854, the government appointed a committee to report a project as to what means, either through the legislative or executive branches of the government, could further be adopted to obviate in the future the then complained of lack of forests and the injurious climatic effects arising from their destruction. Their report was handed in June 28, 1856, embracing a plan for the management of forests, and action thereon was taken in 1859, when the bureau of forest administration was created.

III.—FOREST LEGISLATION AND OFFICIAL REGULATIONS.

1. *Remarks on the report of the commission of 1862.*

In pursuance of a resolution of the diet of May 13, 1868, the King, on the 18th June of that year, appointed a special commission, of which Mr. E. V. Almqvist, member of the first chamber, was chairman, to inquire into the need of further legislation in relation to forests and to report a bill for a law on the subject. Their report was submitted the 21st December, 1870, and, with the bill accompanying it, makes 392 printed pages, besides numerous tables. One clause in the reported bill is the compulsory feature, which, though less stringent, is in the spirit of enactments now in force in all of the countries of Europe that have given much attention to forest administration, namely, that owners of private forests shall not, under a penalty of from five to five hundred rix dollars, cut therefrom and dispose, for commercial purposes, trees that are less than 8.3 inches in diameter at a distance of 16 Swedish feet from the large end, or less than 11 inches in diameter at the large end. (See §§ 42 and 90.) A copy of the document will accompany this report. The subject is expected to be considered in the diet of 1873.

[Translation from the Swedish.]

2. *His Royal Majesty's gracious instruction for the forest administration and the forest corps, given at the palace of Stockholm, November 19, 1869.*

§ 1. The object of the forest administration, assorting under the royal department of the finances, shall be to promote a suitable forest economy and chase within the kingdom, and shall, in this regard, as far as it is their duty, according to this instruction or other regulations in force, themselves take suitable measures for this purpose or humbly propose to His Royal Majesty the taking of the same. It shall be the special duty of the administration to direct and superintend the management of the crown-parks, the quicksand fields, commons and forests of the farms belonging to the Crown, which, as separately prescribed, have been placed under the care of the forest corps, and also to see that the care and use of other common forests and quicksand fields belonging to private persons are properly superintended.

§ 2. Concerning the business of the forest administration in regard to the selection of suitable localities in the l ns of Rapparberg and Norrland, as crown-parks, partly during the survey and partly of land, which not yet has been subject to a general survey, special regulations are issued and in force; and the administration shall not decide about the selection for crown-parks of unsurveyed land, or of land not being surveyed, before communities and private persons, who consider themselves owners of the land, have had opportunity to report and prove their claims; and the decision shall be submitted to the judgment of His Royal Majesty before being put into execution.

§ 3. Concerning the survey of public forests for a regulated management, the forest administration shall issue necessary rules, in accordance with such principles, as are approved of by His Royal Majesty; and the administration shall appoint ordinary or extra officers of the forest corps or schools to survey, whenever suitable, the above-mentioned forests, and not only examine the same after the survey has been completed, and approve of the plan for the management, with or without altering the same, but also to afterward prescribe necessary modifications of the management or alterations of the approved plan which, at the revision of the same, may be found suitable.

§ 4. Having examined the projects and calculations which, according to § 41, here below, shall be annually transmitted by the district directors, ("j gm stare,") the forest administration will decide about the forest cultivation and other work to be done during the coming year at the common or public parks, committed to the care of the forest corps as well as to fix the amount of the expenditures not to be exceeded. In regard to crown-parks and quicksand fields belonging to the Crown, the decision of the administration may, however, not be given to the respective officers to be carried into effect before the general project mentioned in § 10 has been approved of by His Royal Majesty.

§ 5. Concerning the business of the forest administration in regard to the felling of oak-trees and large timber-trees, which private parties have not acquired unlimited right to dispose of, otherwise than for the account of the Crown, is especially prescribed.

§ 6. In regard to the public-forest schools, it shall be the duty of the forest administration to carefully superintend that the instruction is so regulated and managed that the objects of the school are attained; and the administration shall assign forests for the practical exercises of the pupils at the Forest Institute, as well as upon the proposal of the manager of the institute distribute stipends among the pupils.

§ 7. Officers and attendants at the forest corps, as well as at the forest-schools, shall be subordinate to the forest administration, which shall issue necessary regulations for the due exercising of their functions.

§ 8. The forest administration shall also superintend the dwelling-places, farms, and localities assigned to the forest corps and schools, and shall see to that their farms and localities are not otherwise used or disposed of than according to issued regulations, and that they are respectively surveyed and examined; and a copy of the record of each such survey shall be transmitted to the forest administration.

§ 9. A complete ground-rent book shall be kept by the forest administration, in which the dwelling-places, farms and localities assigned to the forest corps and schools shall be entered, as well as the crown-parks and the quicksand fields belonging to the Crown, and also other public forests, as soon as they are subjected to a proper forest management.

§ 10. Of the funds assigned for forest purposes from the seventh title of the budget, the administration will dispose, according to the rules issued by His Royal Majesty, of that part thereof which His Royal Majesty shall determine. The forest administration will, every year, in the month of November, render to His Royal Majesty, for approval, a general project for the use during the coming year of the above-mentioned funds placed at the disposal of the administration, thereby observing to retain sufficient amount, to be assigned in case of necessity by His Royal Majesty to fill unforeseen wants which may occur during the course of the year.

§ 11. Toward the defraying of respectively-fixed expenses for crown-parks, quicksand fields belonging to the Crown, and for the forests of the dwelling-places managed by the forest corps, necessary funds ought to be advanced in the manners prescribed by the forest administration and upon the requisition of the respective district directors from the treasury of the province, to be repaid when used for forests belonging to dwelling-places, by what they yield and otherwise out of the funds assigned for forest purposes and placed at the disposal of the administration, it being the duty of the forest administration, the general project and the working-plan for the year having been approved, to inform all the administrations of the Provinces of the rules which they have to observe in regard to similar advances.

§ 12. For the paying of such advances made by the treasuries of the provinces, according to the foregoing section, which ought to be refunded from the funds for forest purposes, placed at the disposal of the forest administration, as stated in § 10, as well as for the defraying of other expenses which His Royal Majesty has decided to be paid out of the same funds, the forest administration will, on application, receive from the exchequer out of the assigned funds the requisite amount, either by draft upon the respective treasuries or, if at any time such may be convenient, in each.

§ 13. The accounts which the district director shall render according to § 43, herebelow, to His Royal Majesty's governor of the provinces, and to be transmitted from there to the forest administration, shall, not only all the accounts of delivered forest effects, but also the accounts of the funds received by the district director, which regard Crown-parks, quicksand fields belonging to the Crown, and forests belonging to dwelling-places, the yield of which shall go the royal treasury, be fully revised by the administration, whereas the accounts of the latter kind in regard to other forests belonging to dwelling-places or commons, the revising of which as to ciphers is done elsewhere, shall be revised by the forest administration with regard to the manner in which the received funds have been employed according to the accounts of the district director. The forest administration shall also fully revise the accounts of the public forest schools. Should, at the revision, any errors be found in the accounts, the forest administration will decide about the same, having, where such is necessary, heard the explanation of the respective parties.

§ 14. It shall be the duty of the forest administration to examine the complaints which in prescribed order are entered against the decision of, or steps taken by the forest officers in such cases, where appeal, according to regulations, may take place.

§ 15. In regard to questions concerning the forest and chase, the forest administration shall render the reports which may be required by His Royal Majesty or by the authorities. Whereas the administration shall, for the explanation of occurrent affairs, demand the opinion of His Royal Majesty's governors of the provinces, of the directors of the forest schools, and of the officers of the forest corps; also, on application, receive the assistance of His Royal Majesty's governor of the province, whenever required for the execution of the decisions of the administration, the administration being allowed every year, when necessary, to request the attendance of the forest inspectors at the meeting of the administration, to jointly decide about the exercising of rules or measures ordered for the development of the forest management.

§ 16. Not later than the 31st of December every year the forest administration shall transmit to the exchequer college (Rammar Collegium) a properly-closed ledger for the past year, with annexed vouchers of that part of the funds assigned for forest purposes which have been placed at the disposal of the administration, as well as of all other funds intrusted to the administration.

§ 17. Before the 1st of April every year the forest administration shall render to His Royal Majesty a tabular account of the cases which have been examined by the same, stating in this account upon whom the decision of the case depends at the end of the year.

§ 18. The forest administration shall also, before the 1st of October every year, render to His Royal Majesty a report for the past year of the state of the forest management, forest schools, and the chase, based upon not only the reports, accounts, and other informations which are transmitted from the officers at the forest corps and from the schools, but also upon the observations which the chief of the administration has made during his inspections, and which report shall contain, among other, a summary account of the charges preferred during the year by the officers and attendants of the forest corps for offenses against the forest and chase laws, as also every fifth year a synopsis of the reports of the last five years.

§ 19. The forest administration consists of a chief, a secretary, and a treasurer. At the administration may, in case of need, extraordinary officers be appointed as assistants.

§ 20. The forest administration will meet as often as required and the business to be discussed shall be laid before the chief either by the secretary or the treasurer, according to the distribution between them, as below stated, or, if there should be any doubt as to whom the laying before the chief of a certain case belongs, as the chief shall decide.

The chief shall alone decide, having learned the opinion of either or, if necessary, of both the secretary and the treasurer; and they may, if their opinions should differ, record the same, or they shall be considered having approved of the decision. On his official journeys the chief may, when he finds it necessary, order the enforcement of the law, as also give warning, and otherwise demand such security from the officer as the forest administration has to require. He shall, however, report the same to the forest administration, to be recorded at the next meeting which he shall attend.

During the absence of the chief on official journeys, or when he is legally prevented from attending to his office, the secretary and the treasurer shall jointly exercise the administration, being also jointly responsible for the decisions and measures upon which they agree. Should they be of different opinion, the opinion of the one reporting the case shall be the decisive one, and he alone shall be responsible for the same, provided the other has caused his opinion to be recorded.

The forest administration may not, during the absence of the chief, render annual reports, humble propositions for the filling of vacancies, give opinions in regard to appeals of cases decided in the presence of the chief, and in which the opinion of one or the other of the administration officers has differed, or in regard to new regulations or alterations of those existing; neither may the administration appoint or discharge officers or attendants, or alter existing rules, or stipulate new ones, should not the absence of the chief be so extended that steps must be taken before his return. A record shall be kept over each and every case which has been discussed. Letters and other documents shall be written and countersigned by the one who lays the matter before the administration, and who shall also dispatch and enter the same in the diary as soon as signed by the chief. In the absence of the chief the letters are signed by the secretary and the treasurer, "for the forest administration."

§ 21. The chief of the forest administration, who is responsible to His Royal Majesty for the fulfilment of the duties of the administration, and that the cases within their jurisdiction are properly decided and dispatched without delay, shall, with constant attention, see to that every one of the officers of the forest administration, with zeal and order, fulfill their duties, besides which he shall, by inspection-journeys in the country, ascertain the standing of the forest management, of the instruction at the schools, and of the chase, as well as how the officers of the forest corps and schools fulfill their respective duties; and he shall, when undertaking such journeys, which ought to be reported to His Royal Majesty, order an officer of the forest corps or schools to accompany him as secretary.

§ 22. The duties of the secretary are:

1. To examine documents and maps concerning surveys, and to lay before the administration all questions about the sanctioning or alteration of proposed plans of management, as well as to prepare and read all such cases which do not, according to the following section, belong to the treasurer;

2. To enter in the diary or journal of the administration all documents and maps, and to make out a table from the same and the dispatches of the administration;

3. To take care of the archives of the administration, and to give informations from the same, as well as to make extracts and copies of documents and maps kept at the same;

4. To keep a roll of the officers and attendants of the forest administration, forest corps, and schools; and

5. To exercise in the first hand the control the forest administration ought to exercise over the manner in which officers and attendants at the forest corps and the schools fulfill their duties, the reports of the faults or neglects he has observed, however, to be laid before the administration by the treasurer.

§ 23. The duties of the treasurer are:

1. To examine reports and accounts which, in accordance with § 13, shall be examined by the forest administration; the remarks he shall have cause to make shall, however, be laid before the administration by the secretary;

2. To examine all records of surveys and inspections of farms, manors, and localities assigned to the forest corps and schools, and to lay before the administration not only the remarks and projects he thereby has found reason to make, but also other questions concerning the management and care of the said farms;

3. To prepare and keep the ground-rent book mentioned in § 9;

4. To prepare and lay before the administration the projects for forest cultivation and similar works, with accompanying calculations of cost, which have been transmitted to the administration, as also to make out and report for examination the annual general projects for the use of the part of the forest funds placed at the disposal of the administration, in accordance with § 10;

5. Also to prepare and read the questions about the disposal or paying out of money belonging to the same part of the said funds;

6. To manage the economy of the administration and to take care of its movables; and

7. To make out and deliver to the administration, within the 1st of December every year, the ledger mentioned in § 16.

§ 24. The extra officers shall assist, by order of the chief, the secretary and the treasurer, in revisions, accounts, and chancery-work, as also in copying maps.

§ 25. The forest corps in the country consists of forest inspector as comptroller, district director as manager, and foresters as guards. The forest inspector is the chief of the officers within his district. Each district of a forest inspector is composed of several "riviers," each "rivier" being managed by a district director. The forester is the guard and the overseer over that part of the "rivier" which has been confided to him.

When such are necessary, extra district directors may be appointed as assistants to serve within the "rivier," on the responsibility of the ordinary: also extra foresters may be appointed if required.

§ 26. The forest inspector shall superintend that his subordinates fulfill their duties zealously and carefully. He has not only to examine the quarterly and annual reports transmitted to him by the district directors, but also and particularly every year undertake inspection journeys to different parts of the district, in order to ascertain whether existing regulations or issued orders concerning the management of forest and chase are followed; should in any way incorrectness, neglect, or misdemeanor have taken place, such must be corrected, and, besides, graver cases reported to the forest administration. The forest inspector shall, every year before the end of November, propose to the forest administration, and the latter decide, which forests shall be inspected by him during the coming year, it being the duty of the inspector to inspect during the year such public forests where there is a cause for such an inspection; besides which, the station of every district director shall be inspected by the forest inspector at least every third year and the schools within the district once a year.

§ 27. During the journeys of the forest inspector a record shall be kept, in which everything of consequence that has happened during the inspection journeys shall be entered, and this record shall, the journeys being finished for the year, be transmitted to the forest administration before the end of the following March.

§ 28. When the opinion of the forest inspector in regard to surveys, examination of surveys, or any other subject is requested, he shall, if necessary, before giving his opinion on the spot itself, ascertain the circumstances.

§ 29. The forest inspector is prohibited to, either himself or by other persons, survey forests belonging to private parties.

§ 30. It shall be the duty of the district director ("jägmästar") to take proper care, according to existing regulations and approved plans of management or respectively-issued rules, of the crown-parks and quicksand fields which belong to the Crown, and are situated within the "rivier," as well as of the commons and forests belonging to the dwelling-places which are placed under the management of the forest corps, and to consequently himself arrange and lead the cultivation, felling, and all other work in the above-named forests, as well as to see that the guards properly exercise their functions. With regard to other public forests belonging to the "rivier," the district director shall superintend that approved plans of management are followed, or, when such plans are not made out, that the forests are used according to existing regulations; he shall besides exercise necessary control over oak and timber trees which are not owned by private persons, as well as over other quicksand fields than those of which is spoken above, and also, in order to have a thorough idea of the state of all the forests within the "rivier," to procure, himself, necessary information about the private forests and their management.

§ 31. The district director shall, when ordered by the forest administration, survey the public forests for their proper management according to existing rules; such a survey having been done, the district officer shall, observing what is stipulated in regard to remarks made by private persons, transmit to the forest administration for their approval a chart made as the survey with description of the plan of management and other documents; he shall, besides, the case having been decided and ordered, alterations and additions having been entered upon the original chart and into the documents, again transmit to the forest administration the corrected copies, adding thereto, if the forest which has been surveyed is under the care of the district director, one, but, otherwise, two new copies of the chart, description, and plan of management. When any other than the district director of the "rivier" is ordered by the forest administration to make the survey, the appointed one has to observe what is stipulated for the district director in the foregoing paragraph. Of the copy of the chart, description, and plan of management returned from the forest administration, the district director shall take and transmit to the respective foresters a copy of each district, which wholly, or to a certain part, has been surveyed, and which copy shall embrace all that the foresters require to know.

§ 32. The district director shall also, in the manner now prescribed or in the future may be stipulated, revise the surveys which are to be held for the proper management of the common forests within the "rivier;" and the charts and descriptions made out at

the survey shall be transmitted and corrected as above stipulated for the charts and descriptions of the district surveys.

§ 33. The district director shall diligently care for that forests and quicksand fields under his management, barren but intended to bear forests, become as soon as possible by proper means a woodland, observing in planting trees not to use any more expensive mode than is necessary for the purpose.

§ 34. When felling is to be done on public forests managed by the district director, or otherwise than for household purposes on other common forests, the district director shall himself mark the trees that may be felled and superintend the prescribed marking of the same. In stamping the trees, the foot of the trunk, as well as at a man's height, is provided with the crown-stamp, consisting of a royal crown, and below the same the two last ciphers of the year when the tree is marked; the stamp-iron, which is kept by the district director, shall never be used but in his presence.

§ 35. If crown-parks, quicksand fields belonging to the Crown upon which the community or private persons are entitled to fell trees, or if forests belonging to dwelling-places (official residences) which are managed by the district director, and where the dweller is entitled to wood for household purposes, are surveyed, the district director shall during the survey suitably mark out the trees which may be felled by the dweller or those entitled to fell trees and give them a list of the same free of charge. The district director shall also, where surveying a common, transmit, free of charge, a list of the trees which, having been marked, are at the disposal of the administration of the common. Timber-trees intended for sale, and which are marked on crown-parks, quicksand fields belonging to the Crown, or on such forests, belonging to dwelling-places, the yield of which entirely or to a certain part shall go to the exchequer or the salary funds, shall during the survey be divided by the district director in certain lots, each separately numbered. The timber-trees already sold when being marked, which is the case with crown-parks and crown-lands in the lens of Ropparberg and Norrland, shall during the survey be suitably divided by the district director in separate tracts, which are assigned to the purchasers, thereby observing that, when several persons have purchased timber within the same tract, equal advantages as far as it is possible in regard to communication are given to the respective parties.

§ 36. All surveys necessary within the "rivier" shall also be so arranged by the district director that they are finished every year, if possible, before the 1st of October; and the time for each survey when made on account of the commune, or on forest from which the sale of timber will be made during the year, or already has been made for the account of the exchequer or the salary funds, shall by the care of the district director be published in the church of the parish or parishes within which the forest is situated, in the lens of Kopparberg and Norrland at least fourteen days, and in other parts of the kingdom at least eight days, before; but if any other common-forest is to be surveyed, shall the district director, within the time specified, inform the respective party who has requested the survey of the time for the same.

§ 37. In regard to proposing to His Royal Majesty's governor of province the marking of timber on crown-parks and crown-lands in the lens of Kopparberg and Norrland, it shall be the duty of the district director, with regard to his "rivier," to observe the regulations in the case stipulated for the respective forest officers. Again, in regard to crown-parks in other parts of the kingdom, quicksand fields belonging to the Crown, and the forests which belong to dwelling-places, the yield of which goes either altogether or to a certain part to the exchequer or the salary funds, the district director shall every year before the end of October—marking having been done—transmit to His Royal Majesty's governor of province an account of the timber which for the year may be sold from such forest; and this account, upon which His Royal Majesty's governor of the province shall base the publishing of the auction-sale, must be made out according to forms approved of by the forest administration, and besides contain the proposal of place and time for the sale. It shall also be the duty of the district director, in regard to the forests within the "rivier," mentioned in this section, with the exception of forests belonging to dwelling-places, managed by the dwellers, to annually, within the month of April, report to His Royal Majesty's governor of province the quality of grass or pasture which may be got from the said forests.

§ 38. The district director, or the officiating extra district director, or forester shall be present at the auction-sale of timber, grass, or pasture from the forests mentioned in this foregoing section, in order to give necessary information.

§ 39. Forest plants, seeds, and other similar forest products of less importance may, without injury to the forest, be taken from the same and sold by the district director managing the forest; he shall, however, respectively account for the returns. Unlawfully felled timber, which has been seized, shall be reported for sale to His Royal Majesty's governor of province. If the amount of such timber is small or difficult to guard until an auction of the same has taken place, through the care of His Royal Majesty's governor of province, the district director may request the nearest sheriff to sell the same.

§ 40. In regard to felling and carrying away of timber and other forest products sold

from public forests, the district director shall, either in marking or otherwise, give such instructions which are necessary for the guarding or control of the same.

§ 41. The district director shall, every year, before the 1st of October, transmit to the forest administration two copies of a project to forest cultivation or other work, which ought to be done during the coming year, of forests managed by him, as well as a calculation of the cost of such work, for which cash is required.

§ 42. After the project and estimate mentioned in the foregoing section have been examined by the forest administration and the decision of the administration has been made known to the district director, the latter shall see that the works approved of by the forest administration are executed; and he shall, in regard to crown-parks within the "rivier" quicksand fields belonging to the Crown, and such forests which, belonging to dwelling-places, are managed by him, draw and receive in advance from the treasurer of the *lien*, the funds necessary for these works, according to the regulations stipulated for this purpose by the forest administration.

§ 43. The district director shall, separately for each forest, account for not only the funds he shall receive toward the expenses for the care of the forests managed by him, or for other purposes, but also for all the forest products delivered from the said forests, as well as such forests belonging to the dwelling-places within the "rivier," which are not managed by him and of which a part of the income goes to the *exchequer*. The district director shall, therefore, according to the rules issued by the forest administration, keep requisite books, and every year, before the 1st of April, transmit to His Royal Majesty's governor of province proper accounts, based upon the same, for the past calendar year, these accounts to be accompanied by respective vouchers, and transmitted in two copies, with the exception of the accounts which embrace forest products delivered from such forests, of which either the whole or a part of the income shall go to the *exchequer*, of which only one copy is required, all timber to be entered by cubic foot, heavier timber by the piece, fuel and fencing in cords of 100 cubic feet or loads of $33\frac{1}{2}$ cubic feet, and smaller timber in numbers of hundred and twenty.

§ 44. The district director shall, besides, with regard to such forests belonging to dwelling-places within the "rivier," which are not managed by him, and the greater or smaller part of the income of which goes to the *exchequer* or some salary funds, examine the accounts of the expenses for the management of such forests, and which accounts are transmitted to him by the respective owners of the forests.

§ 45. In regard to dwelling-places within the "rivier," assigned to foresters, the district director shall watch over that the same are, in regard to buildings and cultivation, properly managed and maintained.

§ 46. At the instance of His Royal Majesty's governor of the province, the district director shall assist at surveys and examination of dwelling-places and other public farms, and at explorations for ascertaining if surplus lands are suitable to be retained as crown-parks; also to explore quicksand fields in the order prescribed; besides which, he shall, in order to guard the interest of the Crown at surveys and divisions, in regard to the selecting of land for crown-parks, be present at the meetings to which he shall for this purpose be called by the respective surveyor. The district director shall also, with regard to business belonging to his office, give his opinion whenever requested by His Royal Majesty's governor of province.

§ 47. The district director shall, when felling is more extensively done than permitted on commons managed by the owners themselves, or where, on such as other common forest within the "rivier," not managed by the district director, the regulations for the guarding and care of the forest stipulated in the approved plan of management are not respectively observed, report the case to His Royal Majesty's governor of province, provided the forest does not belong to the farm of a public institution, the ownership of which is not yet legalized, in which case the report of the district director ought to be made, if the farm to which the forest belongs is cultivated by the lessee to the authority under whom it is subordinate, but otherwise to the forest administration, it being the duty of the latter authority, the report having been made, to call attention to the case of the managers of the institution. Should the dweller, settler or lessee of a public farm or locality exceed his lawful right in regard to the use of the forest, or should any offense be committed against the forest and hunting laws, which not only should infringe upon the right of private parties, the district director shall prefer charges against the offender.

§ 48. At the end of every quarter, and within one month, the district director shall report to the forest inspector all that has taken place within his district during the passed quarter; also the inspection journeys and surveys which have been made during this time within the district, either by himself or appointed extra district director; more important events, as large fires and damages by storm, &c., ought, however, to be immediately reported.

§ 49. The district director shall also, every year before the 1st of April, transmit to the forest administration a report of everything worth remarking in regard to the management of the forest and chase that has taken place during the past year; the

report, of which the district director shall deliver a copy to the forest inspector of the district within the time above mentioned, ought to embrace, not only an account of the work which has been done during the year in the forests managed by the district director, but also information about the influence former measures have exercised and how other common forests within the district are managed; the report ought, besides, to contain a list of all charges preferred during the year through the care of the district director for offenses against the forest and hunting laws.

§ 50. It shall be the duty of the forester ("krono jägaren") to see to it that division lines and other boundaries around the common forests, over which he has been ordered to watch, are kept open and undisturbed, and also to report to the district director all unlawful felling and hunting, and to exert himself in finding the offender and to prove his guilt.

§ 51. In forest cultivation, felling, carrying away of timber, and in other works in the forest belonging to his district, the forester shall superintend that the orders of the district director are properly observed and that the work is carefully done; he shall also take care of the planting "schools" laid out within the said forests.

§ 52. The forester shall carefully superintend that felled or only marked forest product within his district are not wrongfully taken away; and he shall ask the owner, when carrying away his timber, to give him a receipt, which he will hand to the district director.

§ 53. The forest inspector and the district director shall each keep a list of all official papers received as well as a copy-book for official letters sent; they shall also, as well as the forester, take proper care of all maps and documents belonging to the office. At the change of officers an inventory ought to be made to the forester by the district director, to the district director by the forest inspector, and to the latter by a person appointed by the forest administration.

§ 54. At occurring fires, the respective district director and foresters shall immediately, on being acquainted of the fact, set out for the place of the fire and take suitable measures for the extinguishing of the fire; the district director shall take the command of the firemen.

§ 55. The district director and foresters shall endeavor to destroy voracious and noxious animals, and to promote a proper hunting.

§ 56. Officers belonging to the forest corps shall, except on special permission of the forest administration, live within their respective districts, and at the dwelling-places, where such suitably built are assigned to the officers.

§ 57. Each and every one of the officers and attendants of the forest corps shall obey the orders of their respective superiors.

§ 58. In order to be competent to the office of secretary or treasurer at the forest administration, and as forest inspector, and district director, the applicant shall have graduated from the Forest Institute. No other but those who have graduated from the Forest Institute can be appointed extra officers at the forest administration or extra district directors. Those who have graduated from public forest schools or proved themselves to be competent to the position shall be appointed foresters in preference to other applicants.

§ 59. The chief of the forest administration, the secretary, and the treasurer at the same, and the district director are appointed by His Royal Majesty. The vacancy of the secretary, treasury, or district directorship is published by the forest administration three times in the *Post och Inrikes Tidningar*, where, after applicants may, within fifty-six days from the time of the vacancy, tender their humble applications, accompanied by merit list and certificates to the forest administration, who, according to stipulated rules, will transmit to His Royal Majesty their proposition to the filling of the vacancy, as well as the applications. The forest inspector is appointed for a certain time by His Royal Majesty upon the proposal of the forest administration. Extraordinary officers of the forest administration and extra district directors are nominated by the administration after the opinion of the district director has been learned. The administration nominates their attendants and foresters after the proposal of the district director of the river. The district director shall, as soon as a place is vacant, engage a suitable person until the nomination of the forest administration has been issued.

§ 60. The chief of the forest administration may, business permitting, enjoy leave of absence twice a year, each time for a period of fourteen days, after having reported his intended absence to the royal department of the finances, and the secretary and the treasurer may, with the consent of the chief, obtain leave of absence for one month, once a year, however, not when the chief is absent.

The forest administration may grant the forest inspector and the district director leave of absence for a time not exceeding three months. Leave of absence for longer time may be applied for to His Royal Majesty; the application of the secretary, treasurer, forest inspector or district director, to be delivered to the forest administration, who, approvingly or disapprovingly, transmit the same to His Royal Majesty. Leave of absence for a longer or shorter time may be granted by the administration to extra or-

dinary officers and attendants at the forest administration as well as to extra district directors and foresters; however, leave of absence for a time not exceeding fourteen days may be granted by the district director of the rivier to extra district directors and foresters. Officers at the forest administration are not allowed to stay, without leave of absence, outside their districts for longer time than three days; foresters may not, without the permission of the district directors, remain outside their district for more than one day.

§ 61. When leave of absence is granted by His Royal Majesty to the secretary, treasurer, forest inspector or the district director, His Royal Majesty will, upon the proposal of the forest administration, prescribe how the office shall in the mean time be attended to; but should there be any vacancy among the officers or attendants belonging to the forest administration, the forest corps or schools, the forest administration will see to the temporary filling of the same.

§ 62. If an office at the forest corps to which a dwelling-place is assigned should be vacant by death, discharge, or promotion, after the 14th of March, and before Thomsday, he or his heirs will give up the dwelling-place to next following 14th of March but if after Thomsday on the 14th of March after the elapse of one year from Thomsday; in both cases shall the new appointee compensate his predecessor for the standing crops, and remunerate him for such works as have been done in preparing for a crop. Foresters will, as soon as nominated, take possession of their dwelling-places.

§ 63. Should the chief of the forest administration make himself liable to any fault or neglect in the service, charges will be preferred against him at the supreme court. His Royal Majesty and the Kingdom, and if such be the case with the secretary or the treasurer, the chief may, if such be necessary, dismiss them for the time the suit shall last. Extra officers at the forest administration, who shall make himself guilty of fault or neglect in the service, may receive warning from the administration; or if he continues his offenses, he shall be dismissed from office either for a certain time or forever. Attendant at the administration who is unreliable or disobedient, may, according to the circumstances, either receive warning from the administration, lose his situation for a certain time, or be discharged.

§ 64. Should the forest inspector or district director neglect through carelessness omit or refuse to fulfill his duties, or should he stay away from his office without permission or legal cause, he will receive warning of the forest administration; should he continue his offenses, he will be fined to an amount corresponding to not above three months' salary, or dismissed from office for an equal time; should he, however, commit similar offenses, or be guilty of graver neglect, a public accuser, appointed by His Royal Majesty's governor of province, will, at the request of the forest administration, prefer charges against him at the respective court, and the forest administration will in such a case, or when charges are preferred against officers at the forest corps, dismiss the person from office, when circumstances so require. Should the extra district director neglect his duties, the stipulations in the foregoing section in regard to extra ordinary officers at the forest administration may be applied. Foresters found to be incompetent, careless, or neglectful, or guilty of unfaithfulness, partiality or selfishness may, having previously received warning of the respective district director, without changing his conduct, be dismissed by the forest administration for a certain time, or discharged.

§ 65. Should an officer at the forest corps fail to render, within the time specified, the information, declaration, or account required by the forest administration, the administration will, for each repeated neglect, fix a suitable fine for the exceeding time.

§ 66. No complaint can be made of received warning, but from the decision of the forest administration, by whom the offender is sentenced to other punishment, no humble appeal be made, which will have to be transmitted to His Royal Majesty through his department of finances, within the time specified in the royal instruction of December 14, 1866.

§ 67. Concerning the business of the forest administration with regard to the filling of vacancies at the forest institute and forest schools, or in regard to leave of absence applied for by officers and attendants at the same, the rules stipulated above for district directors will exist in regard to the manager of the forest institute and the teacher at the same, and at the other schools; the same regulations exist for overseers and attendants at the schools as for foresters.

§ 68. This instruction shall be in force from the commencement of the next year 1870, when the royal instruction of the 16th of March, 1838, for the forest and chamois corps, shall cease to be valid.

Which all whom it may concern shall have to obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace at Stockholm. November 19, 1869.

GUST OF UGGLAS.

CARL. [L.]

[Translation from the Swedish.]

3. *His Majesty the King's gracious regulations for forest instruction within the Kingdom, given at the Palace of Stockholm, May 25, 1860.*

We, Charles, by the Grace of God the King of Sweden, Norway, &c., &c., make known: That, whereas the rules for the forest institute, graciously given on the 15th of October, 1828, in several regards require some amendment, and whereas it has been lately decided to establish, at the expense of the government, lower forest schools, we have found proper, having learned the humble opinion of our administration of forests, to cancel the above-mentioned rules, and hereby graciously to order that free instruction shall be given at the forest schools, which stand under the administration of forests, at the forest institute, in a higher course of teaching, for the education of forest managers, and at the forest schools in a lower course, for the education of skillful foresters and planters, and we do, for these schools, and the private forest education, supported by public funds, graciously sanction the following regulations:

CHAPTER I.

THE FOREST INSTITUTE—ITS OBJECT AND ORGANIZATION.

§ 1. A suitable locality in the royal park, near Stockholm, shall continue to be placed to the disposal of the forest institute, embracing lecture-rooms, library, rooms for collections, the director, one teacher and one porter, also necessary ground for nursery, tree-planting, and target-ground; a suitable forest in the vicinity of the city shall also be placed under the regular care and management of the institute, in order to impart to the pupils practical knowledge herein.

§ 2. In order to teach the pupils surveying, appraisement, and the technical terms of the forest, they shall, during a certain time every year, be employed in forests suitable for the purpose, under the direction of the teachers; separate funds will be assigned for this purpose.

§ 3. To assist the pupils during their stay at the institute, a certain number of stipends, the amount of which will be separately fixed, will be assigned to such indigent pupils who have made themselves deserving of the same, through industry, skill, and good conduct.

§ 4. The institute is to be managed by a director, appointed by His Royal Majesty, and the director, together with four teachers, also appointed by His Royal Majesty, will furnish the instruction, viz: one the care and management of forests, one hunting and forest laws, one natural history, and one mathematics; these teachers will be entitled to their years of service, as merits equal to the forest and chase officers of the kingdom, the two latter only in case they have graduated at the forest institute. For the appointing of director, as well as teachers, the forest administration will nominate candidates. At the institute is also a porter, appointed by the director, and may by him be removed.

§ 5. The course of instruction shall embrace mathematics and natural history to the extent required for the superintendence of forests and the chase; knowledge of the regulations for the forest and the chase, book-keeping, and of the forms for forest accounts; hunting; theoretical and practical knowledge of forest-appraisement; cultivation of woods and forest-technology; as well as expertness in surveying, map-drawing, leveling and shooting.

§ 6. The course of instruction will be continued during two years, counted from the commencement of the month of June every year, and be so arranged that fully educated pupils may yearly graduate and new ones be admitted in their place.

§ 7. Pupils who wish to obtain certificates of having graduated, shall, having previously undergone a probation at a public examination, manifest sufficient knowledge and skill in all the branches which they have been taught at the institute. In order to obtain a certificate for forest-management, the pupil shall prove himself to have satisfactorily constructed a map, with regular plan of forest surveying and cultivation.

§ 8. The instruction shall continue during the whole year, with the exception of three weeks' vacation during Christmas, and one week after the yearly examination, and shall be thus regulated, that the pupils acquire, from commencement of October until the end of May, theoretical and such practical knowledge as local circumstances at the institute admit of, and that, during the summer months, the pupils are occupied in the forests of the government, and under the direction of the teachers, with surveying and estimation of forests, and with the most usual modes of the cultivation, care, and felling of trees.

§ 9. Every year, at the commencement of the month of June, the pupils shall be publicly examined in all the subjects in which they have received instruction. The pupil who, having previously undergone a probation, proves himself at the examination to possess the knowledge and skill mentioned in § 7, may, without regard to the longer or shorter time he has been at the college, receive due certificate.

THE DIRECTOR OF THE FOREST INSTITUTE.

§ 10. The director ought to have made himself known as possessing knowledge and experience of forest-managing, and shall live within the locality of the institute, in order to properly exercise his functions. His duties shall embrace not only the administration of the institute and the responsibility of its operations, and of the completeness of the instruction, but also to promote the development of and spread throughout the country the science of forest-management.

It shall consequently be the duty of the director—

1. To quarterly collect from the treasury of His Royal Majesty and the realm, at the request of the forest administration, the funds assigned to salaries and maintenance of the institute; to dispose of these funds according to regulations, and for each calendar year account for their disposal, which account shall be delivered before the end of the next following February to the forest administration for auditing.

2. To watch over the care and maintenance of the ground, buildings, nurseries, archives, library, collections, tools, implements, and other movables of the institute, and to see to it that complete lists of the same are made out and always at hand. He shall, however, according to what is stated below, have right to suitably distribute between the teachers the administration and care of collections, tools, and the movables.

3. To, having examined the certificates produced and the amount of knowledge possessed by the candidates for admission, admit them as pupils, and, according to statements of the teachers, separately for each branch, issue certificates to pupils who have finished their course, and to propose to the forest administration the distribution of the assigned stipends among such pupils who shall be considered most deserving of the same.

4. To issue regulations as well for the maintenance of good order and morality within the institute as for the suitable course of teaching and the manner of imparting the same, for which purpose the director shall make out a regular table of instruction, so that the business be properly distributed between the teachers, and the time advantageously employed to the benefit of the pupils.

5. To himself instruct in one of the head branches of forest economy as well as, business permitting, be present at the preliminary examination of the pupils in the other branches.

6. To endeavor in every possible manner to promote the knowledge and spread of an improved forest economy and management of the chase within the kingdom, for the purpose of which he must keep himself informed of the progress of the science and technical terms of the forest, even in foreign countries, and to write and publish pamphlets on the subject whenever circumstances require.

7. To report to the forest administration partly such business which requires the decision of His Royal Majesty, and partly such steps in regard to an improved forest economy and management of the chase within the kingdom which may be found necessary.

8. To make such reports or give such information concerning the forest economy and the management of the chase which the forest administration may demand, as well as to render to the same yearly accounts of the operations of the institute; and—

9. To give the porter instructions in regard to his attendance and other duties at the institute.

THE TEACHERS AT THE FOREST INSTITUTE.

§ 11. The teacher of forest economy ought to have graduated at the institute with honors, and thereafter, on his own responsibility, manage a forest district, and, as his services are constantly required, he ought to live within the institute. This teacher shall—

1. Instruct and examine in all the branches of forest economy in which the director himself does not teach, and, besides, practically instruct the pupils in surveying and estimating of the area of forests, and the cubic contents of trees, construction of maps, valuation of soil, growing and felled timber, to collect and preserve seeds, the laying-out and care of nurseries, forest growing and planting, the position of seed-trees, clearing, to quench quicksand, felling of trees, assorting and marking of timber, as well as to conduct a party of the pupils in the forests for practical measuring, estimating, and dividing of forest land.

2. To have under his care, and to account for, the archives, library, and movables of the institute, with the exception of those for which the teacher of the chase and regulations is responsible.

3. To manage the economy of and account for the forests assigned to the care of the institute.

4. To assist the director in watching over that given instructions are followed, and in maintaining industry and order among the pupils; and

5. To take command of the place in the absence of the director.

§ 12. The teacher of the chase and regulations shall have graduated at the institute with honors, and thereafter served at the forest and chase corps of the Kingdom. This teacher shall—

1. Instruct and examine in the knowledge of fire-arms, shooting, the theory and technical terms of the chase, forest and chase regulations, and book-keeping.

2. Assist at the practices in forest economy, and conduct, during the summer season, a party of the pupils on practical measuring, estimating, and dividing of forest land.

3. To exercise the pupils in target-practice, and also, when there is an opportunity of hunting and driving game, instruct the pupils in the care of wolf-pits, traps, nets, and cages; the making and care of hunting implements, the keeping of forests, as well as to prefer charges against poachers and other offenders against game and forest laws; and—

4. To take care of and account for the tools and collections of models of the institute, as well as of the forest and hunting implements, and of what belongs to the target-ground.

§ 13. The teacher of natural history ought to have made himself known as thoroughly well acquainted with this science. His duties shall be—

1. To instruct and examine in those parts of physics, chemistry, and mineralogy which are required for the knowledge of forest climate and soil, in general and forest botany, and in zoology, as far as this branch of knowledge is connected with the forests.

2. To instruct in the manner of preparing herbaria, and of stuffing and preserving animals and insects.

3. To conduct the pupils on mineralogical and botanical excursions, and to practice with them the examining of soil and plants.

4. To instruct the pupils during visits to the museum of the Academy of Sciences; and

5. To take care of and account for the zoological and botanical collections of the institute, and to make out complete lists of the same.

§ 14. The teacher of mathematics ought to have made himself known as thoroughly acquainted with this science. This teacher shall instruct and examine in arithmetic, algebra, planimetry, stereometry, trigonometry, conical sections, geometrical constructions, descriptive geometry, general and forest architecture, elements of mechanics, and theory of the construction and use of mathematical instruments. He shall besides practice with the pupils the drawing and copying of maps, calculating of areas, sketching maps, surveying, construction of buildings and roads for forest purposes, with estimates of materials and labor, measuring of cubic contents, and adjustment of instruments.

PUPILS AT THE FOREST INSTITUTE.

§ 15. In order to be admitted at the forest institute, application shall be made to the director within the middle of the month of May, and the following certificates annexed to the same:

That the applicant is at least 18 and not above 28 years old; that his constitution is good and faultless, and not affected with any kind of incurable disease; that he has always conducted himself well; that he either has passed such examination and obtained certificates of approval in mathematics, natural history, and Swedish grammar, which entitles him to enter the universities of the Kingdom; or that he has been examined by the appointed teachers at any of the elementary schools within the kingdom in each of these branches, and found to possess sufficient knowledge therein to enable him to graduate from the school; also, that he has, during at least one year, with some forester practiced and acquired sufficient skill in the economy and surveying of the forest.

§ 16. Applicants whose applications are complete, and who consequently may expect to fill the vacancies at the institute, must publicly and in the presence of the director be examined by the teachers in arithmetic and algebra, planimetry and stereometry, general botanies, and zoology; also, to write a Swedish theme.

§ 17. Those exhibiting the greatest knowledge shall have the preference of being admitted to the institute.

§ 18. At the commencement of every year the director shall propose to the forest administration for receiving of stipends those of the pupils who are in need of assistance, and have shown themselves most deserving of same through industry, skill, and orderly conduct.

§ 19. The pupils shall obey the orders of the director and the teachers, orderly and decently conduct themselves, follow the regulations at the institute, and attentively and industriously profit by the instructions.

§ 20. Should the pupil disobey the orders of the director or the teachers, create any disturbance at the institute, conduct himself in a disorderly manner, or neglect his studies, he shall receive warning from the director. Should he not then change his conduct, but continue his offenses, the director shall, after having consulted the teachers, send him away from the institute.

CHAPTER II.

THE FOREST SCHOOLS—THEIR OBJECT AND ORGANIZATION.

§ 21. Suitable localities, large enough to permit both teachers and pupils to live there, shall be placed to the disposal of the forest schools at such places as will be especially determined upon.

§ 22. To a certain number of pupils, unable to maintain themselves at the school, sufficient assistance shall be given, according to what is therefor specially prescribed.

§ 23. The forest schools shall be managed, under the superintendence of the nearest district director of forests, by a teacher appointed by His Royal Majesty the King, after having been proposed to the situation by the governor of the province and with the approval of the forest administration; this teacher shall be assisted by a ranger, nominated by the forest administration.

§ 24. The instruction at the forest school shall embrace the four first rules of arithmetic and the rules of proportion in whole and decimal numbers; knowledge of scales for plan-drawings, as far as required for making of maps and measuring distances; knowledge of square and cubic measures with practical application at the measuring of the extent and content of surfaces and solid bodies; knowledge of the nourishing organs of the forest trees and of their food, and the natural conditions for their thriving; knowledge of the most dangerous insects of the Swedish forest, and of the manner of destroying them; the chief principles of rational forest economy, and knowledge of the rules existing for the peace and keeping of forests, marking and carrying of timber, hunting, and also of the legal form for entering charges. The pupils will also be practiced in marking out and measuring of forest-lines; tilling places, and sowing fields; calculating of the cubic content of trees and timber; the position of seed-trees; sowing for hand and planting as well as the preparing of the soil for forest-growing; collecting and assorting of forest-seeds; clearing and cutting, assorting and piling of timber; marking cattle and making out of grazing-lists; laying up and keeping patrol-lists; making out lists of unlawfully-felled timber on which embargo has been laid; monthly reports and service accounts; the trapping of beasts, and the grand chase.

§ 25. The course of instruction shall begin on the 1st of October every year and continue until the middle of the following June, during which time all the respective subjects and exercises shall have been taught to the pupils, whereafter they are publicly examined in the presence of the district director in order to ascertain the knowledge and skill they have acquired.

§ 26. The pupil who has satisfactorily passed the examination is entitled to receive certificate of approved skill, issued by the district director and the principal of the school.

THE TEACHER OF THE SCHOOL.

§ 27. For the competency as teacher at the forest school, which office entitles him to count as many years of service within the forest and chase corps, the applicant shall have graduated at the forest institute and received certificate of approved knowledge, besides having been forest-manager on his own responsibility. This teacher is the chief in command at the place, the principal of the school, and accounts for and is responsible for the proper management of the school. He shall, consequently, quarterly, receive the funds assigned to the school, use them with judgment, and yearly account for the same, which account shall, within the time specified in §10, mom. 1. for the forest institute and for the object mentioned in the said mom., be forwarded to the forest administration through the governor of the province. It shall, besides, be his duty to arrange the teaching and exercises to the benefit of the pupils; to keep good order and decent conduct within the school; to impart himself the theoretical knowledge, and to superintend and correct the exercises and work in the forest. He shall also render yearly report over the operations of the school, which is forwarded to the forest administration through the governor of the province.

"SKOGSRÄTTAREN," OR ASSISTANT.

§ 28. The assistant must have made himself known as steadily and orderly, to be able to write, and well acquainted with all kind of forest-works. He is subordinate to the direct command of the teacher; he has the care of all the implements and materials of the school, for which he is responsible and shall account for to the teacher; manages the school in the absence of the teacher, and is responsible that the exercises and works are properly done, and assists in keeping good order among the pupils.

THE PUPILS OF THE FOREST SCHOOL.

§ 29. Those wishing to be admitted to the forest school shall make their application to the principal in their own handwriting, with annexed respective certificate of a

clergyman, of good conduct, and of good and faultless bodily constitution, and if the applicant has been in service, a service certificate; the applicant shall be able to read fluently Swedish and Latin letters and writing, write an intelligible hand, know the first four rules of arithmetic, and be from twenty to thirty years old.

§ 30. Having examined the applications and the applicants, the principal of the school shall admit as pupils the most skillful and best conducted.

§ 31. The pupils shall obey the orders and prescriptions of the teacher and assistant, and observe industry, order, and good conduct. Should the pupil disobey the teacher, or the assistant disobey the rules of the school, be neglectful or disorderly in his conduct, or should he create disturbance, he shall receive warning of the principal; should he not then change his conduct, but continue his offenses, the principal shall send him away from the school.

CHAPTER III.

PRIVATE FOREST-INSTRUCTION.

§ 32. To the establishing of forest schools in the respective provinces of the kingdom, and to the education of competent assistants at the managing of private forests, His Royal Majesty and the government will, yearly, contribute as far as the funds will permit and His Royal Majesty shall deem requisite, provided the communities which apply for such an assistance shall fulfill the following conditions:

1. That the community shall place requisite locality to the disposal of the school, furnish the teacher as well as the pupils with apartments, and pay for the maintenance of the school.

2. That the organization of the school and the proposed rules for its operations has been sanctioned by His Royal Majesty; and,

3. That the operations of the school, of which a yearly report shall be made to the forest administration, shall be exercised under the superintendence of the nearest district director and the forest administration.

In regard to the time for applying for the positions as director, teacher, and assistant, and for resignations, how leave of absence shall be applied for or charges preferred for offense and neglect in service, as well as the punishment therefor, the regulations prescribed in the instructions for the forest administration shall be in force.

All of which whom it may concern shall obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace at Stockholm, May 25, 1860.

CARL. [L. S.]

J. A. GRIPENSTEDT.

[Translation from the Swedish.]

4. *Circular of the royal administration of forests to all employes in the "forest corps" and forest instruction, concerning principles for the division of the public forests for the purpose of systematic economy. Given June 29, 1867.*

1. The dividing or allotment of a forest consists in its delineation on a map with description and economical plan based on careful estimates having a view to the future of the forest and the highest reasonable income that can be derived from it.

2. The allotting is effected so that there may be introduced, as circumstances require, high-forest culture with tract-cutting or systematic thinning, or, nevertheless, for applying low-forest culture.

3. Forest is divided, according to its extent and nature, into more or less blocks. Smaller forests however may each comprise only a single block. The block is divided into divisions or parcels, whose limits are generally determined by natural formation or permanent marks, and these again into subdivisions, including differences which have been observed in surveying, delineating, and estimating the forest.

4. In the surveying is noted only such differences of the forest Bestand and ground as, according to the above-mentioned method of forest work, exercise some influence thereon; and with the objects and differences noted at the surveying shall be added on the map the boundaries exactly to correspond with the facts. When a correct map happens to have been previously drawn up, a copy of it, with requisite additions, shall be used in the allotment of the forest.

5. The map of the forest shall be drawn up on such scale as allows requisite clearness in specifying what should be noted thereon for the economy of the forest.

6. The forest is estimated in cubic feet or in cords of 100 cubic feet (Swedish) solid measure, except when the allotment or dividing takes place for thinning, (applicable

to heavy timber,) when the estimate is made by number or piece. The estimate ought as near as possible, to correspond with the reality, but had better be too low than too high.

7. The description shall include all important matters which, at the execution of the allotment, can be of weight for the economy of the forest.

8. The plan of management is drawn up for a period of twenty years and ought to include the requisite prescriptions as to the manner of working the forest, rotation time, consumption, culture, and the other means of administration which have not already been prescribed by the public statutes.

9. Tract-cutting will have the preference, as a manner of working the forest, except where from local circumstances it is unsuitable.

10. The rotation period should be extended as far as is necessary for raising the different sorts of trees and forest production which are counted on from the forest, but without occasioning such delay in consumption that any part of the forest shall thereby receive injury or deteriorate in value.

11. The estimate of what shall be consumed during the period of division or allotment shall be based on the forest's growth, the extent of ground, and on the known quantity of wood and timber, ascertained by careful calculation, whereof no more may be taken out than corresponds with the growth of the forest during the said time.

12. During the last year of the division period a revision is made for searching out the changes the forest has undergone and for drawing up the economy plan for the following division period.

Moreover, the government having authorized the administration of forests to issue regulations which may be required in conformity with the above principles, the administration of forests has found it reasonable to ordain as follows:

1. The method of working a forest, mentioned in paragraph 2, above, can, where necessary, be introduced on the same block, though on separate parts thereof; for example, forest-grown rocky hills, moss tracts, or other land on which systematic thinning seems an object, also such tracts as seem suitable for low-forest culture, may enter into the same plan of economy with tract-cutting, where the grounds have not sufficient extent for more than one block.

2. In dividing the forest into blocks, regard is had that as far as possible the older, middle-aged, and young forest "bestands" are in suitable relations to each other, also that the block obtains a proper form. The ground allotted in the block for tract-cutting may not exceed "6,000 quadrat ref," (1,306 acres.) With the introducing of systematic heavy-timber thinning, block allotment is fixed according to the means for floating, and accordingly a connected forest of even 12,000 acres may be reckoned to a block, providing the product therefrom can be floated on the same water-course. Lands whereon low-forest culture is introduced, and which are not entered in the economy plan that has been fixed for tract-cutting, are divided into blocks of at most 12⁰⁰ acres. When blocks are not situated apart they ought to have natural boundaries, as water-courses, marsh, and rocky-hill extents, &c., &c., or nevertheless be bounded by highways or fences; but if such do not exist, they are separated by means of a line cleared through the forest to the width of 20 feet.

3. In dividing the block into parcels or divisions, the principal object of which is to facilitate "orienting" or astronomical directions, and clearness in description, likewise attaining an approximating homogeneous forest Bestand, the same is to be observed concerning their boundaries that has just been mentioned in respect to blocks; nevertheless the separating lines may be cleared only the width of 10 feet. The forest land of a division should not exceed 200 acres except in forests which are allotted for merchantable or heavy timber, within which, as comprising the division or parcel, may be reckoned only those parts divided by natural boundaries. Connected forest-blocks of 200 acres extent, or less, constitute only a division or parcel.

4. The surveying of the forest, where it is so required, may be based, as heretofore, on parallel lines running in right angles, or over valleys and summit extents in oblique direction; nevertheless hereafter these lines ought not to be cut or cleared more than is necessary for making them visible, but shall instead be blazed to a breadth of ten feet. In the allotment of the forest for the purpose of systematic heavy-timber thinning, smaller impediments, unless sketched on the map, shall only be noted in the description.

5. Forest maps shall be drawn up on a scale of $\frac{1}{50,000}$ of natural size, with these exceptions: lands allotted for heavy-timber thinning shall be mapped on a scale of $\frac{1}{20,000}$ of natural size; lands for low-forest culture, according to separate plan of economy, shall be mapped on a scale of $\frac{1}{40,000}$ of natural size. A separate map is drawn up for each block. On the just-mentioned maps of $\frac{1}{50,000}$ scale, two or three blocks may nevertheless be contained, according to circumstances. When the forest is composed of several blocks, with map for each, a comprehensive map of the whole forest may be prepared, showing the relative situation of the blocks, on a scale of $\frac{1}{20,000}$ of natural size; and with heavy-timber thinning $\frac{1}{50,000}$ of natural size. The map of the floating-courses, below mentioned, are drawn on a scale of $\frac{1}{50,000}$ of natural size. When a comprehen-

sive map on the scale aforementioned has been prepared, the floating-courses should be shown thereon, and in such case no separate map of these is needed. The maps shall be well and plainly drawn, colored, provided with names of bordering estates, forests, or the like, written around, title, scale, and north direction whereon the variation is observed. The cleared or blazed lines and the separating lines pertaining to the project for period allotment or division shall be drawn on the map, also the yearly clearing or cutting bounds in the first period; the latter, nevertheless, only on maps of forests which are not under the immediate administration of the forest establishment.

6. The valuation or estimate of the forest is undertaken in conformity with the recognized principles of forest science separately for each subdivision, with regard to differences of ground and forest bestand.

7. The description consists of general and bestand description.

8. The general description is based in certain parts on bestand description, and shall under separate titles account for—

History of the changes which the forest has undergone financially, state and administration of possessory right, wherewith, if practicable, the official proceedings may be introduced on which the changes or improvements have been based and the influence of these, of forest fires, of injuries by storms and the like on the forest's present condition.

The uses or service with which the forest, from one cause or another, is charged; how far these are based on culture or resolutions, and in the latter case what, also, the influence on the forest which the uses produce.

Boundaries on adjoining stranger owners; also, when the forest belongs to home-stead or farm, on the thereto belonging arable and pasture land; wherewith for that case any land which did not before belong to the forest, but which is included in the allotment, with the reason therefor, ought separately to be given, regard being had to what is prescribed in Royal Forest Regulations of the 29th June, 1866, section 32.

Nature of the forest land, nature of the forest bestand in general, according to bestand description.

Block allotment or dividing, and motives for the same.

Prevailing winds, and their effect.

Predations and wastes: to what extent the forest is exposed to such, and their nature.

Watching or care; how this is ordered, and how far sufficient.

Pasture and autumn-mowing, and what effect such use has on the forest.

Selling of the produce of the forest, where this can come in question, wherewith, when this is dependent on opportunity of floating, a map of the floating-course in the forest and in its neighborhood is annexed, providing such map can be had without separate survey.

With several other relations which, in and for the forest administration, can be of weight, which like the above-mentioned ought to be stated under separate titles.

9. THE DESCRIPTION OF THE BESTAND.—Table No. 1, 1, which is prepared in tabular form, and which, with the exception of area reports, composed in proportion to the progress of the survey and valuation, contains the following columns:

1. *Division*, or parcel, (in the Swedish "skiften,") wherein is introduced the name of the division, in what block it has been divided, also the letters whereby these are denoted on the map.

2. *Subdivision*, in which column is placed the letter whereby the differences of the forest land and forest bestand have been denoted on the map.

3. *Extent*, wherein the area is given in new measuring, (quadrat ref and quadrato poles,) and which column is subdivided in two, namely:

a. *Forest land*, where regard is had to the area of forest-bearing ground, the subdivisions are given as—

a. *Forest-grown*, or—

β. *Bare*, under which latter designation may be introduced as well such land as produces only bushes and scattered trees as that which shall be cleared, during the division period for effecting satisfactory re-growth: also—

b. *Impediments and land not regarded sufficiently fertile for forests*, under which is noted such rocky hills, marshes, mosses, &c., which cannot be counted on to bear forest; also such preventing sand-holes, ways, and tilled places, &c., whereon forest will not be grown.

4. *Land* where under the subdivision is described with regard to the quality of the land and soil.

5. *Situation*, where the situation is described as well with regard to moisture as in relation to prevailing winds.

6. *The forest*, which column is subdivided into four:

a. *Sort of trees*, wherein is introduced the kind of trees the forest bestands consist of, with special remarks as to the prevailing—

b. *Growth, closeness, windfalls, previous treatment*, &c., where a fuller description of the forest bestand is given, as well as how the same seems to have been treated previously.

c. *Amount of production*, wherein is noted the number of cords, at 100 cubic feet (Swedish) solid measure, which the growing forest contains.

a. *By quadrat ref* (say 10,000 square feet) in whole and tenths of cords, and—

β. *By subdivision* in whole cords; or nevertheless with heavy or merchantable timber-thinning number of sticks per quadrat ref and in the whole subdivision; also—

d. *Age class*, wherein is introduced the prevailing ages of the forest bestand, designed to show twenty-year-age classes, from 1-20, 20-40, 40-60 years, &c., whereafter, under the title of *treatment of the bestand during the division period*, (Table No. 1, 2,) follows:

7. *Manner of working the forest*, in which column is noted how far the bestand shall proceed under allotment of tract-cutting, or if thinning or low-forest culture should be there introduced; and—

8. *Special means*, including accounts of what ought to be adopted for the bestand and land during the time for which the division is regarded to be effective, whereto shall be stated for the occurrence of help-pruning or preparatory clearing (or cutting) that amount of wood and timber which thereby, according to valuation, it is considered can be obtained per quadrat ref. The area as well as quantity of wood and timber on the subdivisions may be summed up for every division or parcel, and a compendium introduced at the end of the table, wherein the whole of the area of the division or parcel and quantity of wood and timber noted shows the extent and bulk of the wood and timber, as well as a like compendium for the separate blocks to show the whole area of the forest and stock of wood in cords, or with heavy or merchantable timber-thinning, in timber.

To the description of the bestand belong, equally with tract-cutting, a compendium of the area which the different age-classes occupy, and the timber and wood mass each one contains. The description ought to be accompanied by the length-valuations introduced in the forest.

10. *The plan of management*, of which a sketch ought to be made at the place of employment, so that the state of the forest in case of need may serve for further direction, contains the following titles:

Manner of working the forest, under which is noted for every block how great part of forest land and quantity of wood and timber suits the one or the other of the mentioned methods of working the forest, and where so required the motives for the distribution of the forest-ground between them.

Rotation, under which title separately for each block and method of working the forest with necessary motives may be introduced, the age which, in general it is thought the forest should have before the same can be consumed; whereto with heavy timber-thinning under the title in question ought to be given the time.

Thinning-time, during which thinning shall be done.

Consumption, which title for every block contains a calculation of what, during the whole of the twenty-year period, and during every year of the same, should be consumed, also report where and how consumption ought to be effected separately for forest adapted to tract-cutting, thinning, or low-forest culture; and there ought therewith to be added in tabular form, equally for the two foregoing titles, a compendium, (Table No. 2,) to which is added a report for the whole block and area, and amount of wood and timber summed together.

Forest-cultivating, (with special regard to sowing and planting,) under which is noted in table form, (Table III) by block-division and sub-division, the area of the ground which during the period shall undergo complete forest-cultivating, (that is, clearing and raising forest again on the same place by planting or sowing,) help-culture, drainage or other means for advancing re-growth, whereto may be noted the nature of the measures and steps which in every case shall be adopted.

Project for the future division of the forest in respect to rotation and thinning periods, under which title, and with reference to the map of the forest, is indicated how it is considered, on the basis of the present state, the sub-divisions ought to be united for hastening, and with least sacrifice of growth, to form suitable parts of the forest, corresponding with the twenty-year periods, separate report being made for the division of the ground in every block for tract-cutting, thinning, or low-forest growing.

Pasture and autumn-mowing, under which is noted that which, with regard to the subject, should be observed during the division period.

Means of facilitating the transportation and sale of wood and timber, under which title is given, as may happen, the needful scheme for ways, improvement of floating-courses, disposing of the sorts of timber necessary for the region, &c., &c.

Administration and care wherewith representation is made of what, in said respect, ought to be adopted to secure suitability of plan of economy, therewith always complying with what is prescribed by the control-book for consumption and forest-cultivation.

11. *Rotation with tract-cutting* is determined so that, after knowledge is acquired of the kinds of trees the forest will yield, and the growing-time required for them, the area of the forest-grown land is divided into the number of twenty-year periods which said growing-time contains; thus, with 140 years growing-time by 7, with 120 years by 6, &c.,

whereby is ascertained the extent on an average can be consumed during every 20 years. Thereafter is examined through comparing the extent of this latter with the area which every age-class takes up, how long time consumption in each and every class, beginning with the oldest, should require, wherewith also knowledge is gained of the age of the forest at the time of consumption. If then it is found that any essential part of the forest should be consumed first after that which has taken injury from too high age, so ought said examination to be renewed in a twenty years' shorter time, and in proportion to the therewith greater area of consumption, till its results shows that the forest can be consumed without losing in value, when the last-mentioned time is adopted for rotation-time.

With the introduction of regulated timber-thinning it is seen, too, that the thinning-time becomes so sufficient that a requisite number of trees may be able to grow to heavy timber by the time its thinning returns to the same tract which it before went over.

As well rotation as thinning-time should contain a certain number of twenty-year periods.

Thinning-time ought to be an equal part of rotation time.

12 The computation of what is taken out by tract-cutting during the period is made thus:

Of that part of the forest-grown land allotted to tract-cutting is assigned for *consumption* during forty years, two-sevenths of the area with one hundred and forty year, two-sixths or one-third with one hundred and twenty year, two-fifths with one hundred year rotation periods, &c. Out of the oldest age-classes is taken off thereafter as great area as corresponds to said part. The forest which is found on the area thus taken off consists of that which can be consumed during forty years. Hereof is allotted for consumption during the first twenty years, out of the oldest or least growing Bestand, so great a part that the growing forest thereon, *without* including the grown, may attain to wood and timber mass equally with the growing forest on the other part, *with* reckoning or including that grown during twenty years. With the reckoning of growth, nevertheless, so-called growth-tables may not be used unless the yearly growth of the Bestand running in the two periods is accepted as the average amount of what these during its filled age yearly grow.

In *thinning of heavy timber* is consumed, during the time adopted for thinning, all the timber found at the dividing or allotment besides half the quantity of heavy timber-stuff which within the period of thinning can grow. Of this amount of wood and timber can thus be consumed during the twenty-year division period, with forty-year thinning-time half, with sixty-year one-third, and with eighty-year one-fourth. In this way is taken off that part of the forest which shall correspond with the first twenty-year period, wherewith is observed, nevertheless, that only such land as bears heavy timber, or within the thinning period grows heavy or merchantable timber-stuff, enters into the calculation, also that the part taken off does not more than twenty-five per cent. exceed that which the land just mentioned, reckoned exclusively according to the area, shall have produced in the period. If it is found, notwithstanding such augmentation in area, the part taken or sold off does not contain the number of pieces of timber which, according to the above-mentioned calculation, ought to be had, the consumption is reduced to what the thus sold-off district for a period of twenty years can according to calculation give.

With other thinning the consumption's mass is calculated the same as is mentioned in regard to track-cutting.

In the dividing or allotment for low-forest growing, with separate blocks the area is divided by that number of periods which the rotation-time contains, after which the amount of consumption is fixed according to the bulk of production on that part which corresponds to the first period, wherewith, if so required, the growth is reckoned in the manner above written.

In the consumption calculated in harmony with the above principles is not included what, according to estimate, is obtained through preparatory thinning and help-pruning or clearing up of found wind-falls and dry forest, so called cleaning-cutting, likewise neither the utilizing of stumps, roots, branches, and twigs.

13. When the division or allotment takes place in such forests as are mentioned in Chapters III and V of the Government's Forest Regulations of 29th June, 1866, with the dividing proceedings and maps shall special memorial be prepared, representing how far it is thought the forest, according to §§ 16 and 23 of said regulations, ought to be placed under the immediate care and administration of the forest state, also if such is not the condition, the need of the products of the forest at the homestead or farm to which it belongs; also how far the forest is insufficient to supply said need, or nevertheless besides answering the requirement or leaving something over the same, and in the latter case the amount of surplus, also project for the forest-rent, which according to § 17 ought to be reckoned, or that portion of clear gain which, on the principle of § 24 of regulations, can accrue to the resident occupier.

14. At the *revision* of the allotment which here above is ordained is drawn up on the prin-

ciple of examination of the forest, and, with high-forest culture, accurate calculation of the older age-classes, new allotment proceedings, wherewith the map is intended for introducing of the noticed changes.

Revision shall also be had of the forest-maps and plans of economy hitherto drawn up for the public forests, where these have been operative twenty years or more. Should the maps and allotment proceedings be found continuing suitable the drawing up of new ones may be dispensed with.

Stockholm, as above.

A. E. ROS.

C. A. T. BJÖRKMAN.

[Translated from the Swedish.]

5. *His Royal Majesty's gracious regulations concerning the management of the public forests within the Kingdom. Given at the Palace of Stockholm, June 29, 1866.*

We, Charles, with the grace of God, the King of Sweden, Norway, &c., &c., make known that, whereas the estates of the Kingdom in their humble letters of February 16, 1858, and November 30, 1863, have made known the principles according to which the public forests of the Kingdom ought to be managed, we have found proper, having heard the opinion of our forest administration, and of ours and the Kingdom's Exchequer College, (Kammar Kollegium,) and canceling the royal regulation for the forests within the Kingdom of August 1, 1895, in regard to land and commons, Crown-parks, and forests belonging to the Crown, as well as to forests belonging to dwelling-places and farms of the Crown, and, furthermore, altering other regulations in regard to the same subject, as far as contrary to these rules, in accordance with the principles adopted by the estates of the Kingdom, to stipulate the following:

CHAPTER I.

IN REGARD TO CROWN-PARKS.

§ 1. The crown-parks shall be retained to their original extent, and managed according to such plans which, based upon scientific rules and suited to different locations, shall promote the conservation and the yield of the forests. Our forest administration shall sanction the plans of management and issue such orders as may be necessary for the proper care of these forests.

§ 2. The crown-parks shall be under the immediate care and management of the forest corps. The Crown shall defray the expenses for their guarding, and shall alone receive the income of the same, where not otherwise is stipulated.

§ 3. Regulations issued in regard to crown-parks shall also be in force in regard to quicksand fields belonging to the Crown.

§ 4. In regard to the Royal Deer Park at Stockholm, as well as commons belonging to the Crown and assigned to certain purposes, public establishments or institutions are separately stipulated.

CHAPTER II.

IN REGARD TO COMMONS.

§ 5. What is stipulated in § 1 in regard to crown-parks is also valid in regard to commons.

§ 6. Part owners of commons will build and live within the district according to their part, where not in separate cases otherwise is stipulated. Our governor of province shall annually fix and publish time and place when these part owners shall, by proxy from the parish and by balloting, select an administration, which, in all cases concerning the common, shall exercise the decisive right of the part owners, when not otherwise is stipulated in the rules for the common. These rules are made out by the part owners and sanctioned by our governor of province as far as he shall find the same, having heard the opinion of the district manager, corresponding to the laws and these regulations, as well as to the adopted plan of the management of the commons.

§ 7. If the part owners wish themselves to guard and manage the common they may do so under condition—

1. That a plan of the management of the common has been approved of by our forest administration and that the preparing works necessary for the surveys are made at the expense of the part owners; and

2. That regulations are issued and sanctioned for the common as mentioned in the foregoing section.

§ 8. If the part owners guard and manage the commons the respective forest officers shall, however, observe that what is prescribed for the management of the forest is properly observed. Should there be any neglect herein, and should the same not be corrected within the time specified by our governor of province, or should larger felling be done on the common than permitted in the plan of the management, our governor of province shall order the common to be placed under the care or management of the forest corps; whereafter the forest administration, report hereof having been made, shall appoint the respective manager of the "rivier" to take care of the guarding and management of the common through foresters engaged for the purpose.

§ 9. Should not the part owners guard and manage the common, this shall be done by the forest corps in the manner above mentioned.

§ 10. Of the yield of the common shall in the first place be paid out the salary of the foresters, the cost of the maintenance of their dwelling-places, forest cultivation, felling of forest products which are not sold growing, as well as other expenses mentioned in the plan of management or especially ordered.

§ 11. Thereafter shall the timber required for bridges and other buildings within the district be laid aside, and the remainder of the yield be annually divided between the part owners, depending upon the decision of the part owners whether the products or the returns for the same shall be divided between them. Should the common be under the care and management of the forest corps, the yield, whether in products or money, shall be placed at the disposal of the administration of the common, who shall pay out and divide the same according to above-mentioned principles.

§ 12. Should the common be managed by the forest corps "it shall be the duty of the "rivier" manager to annually, before the end of the month of July, render account for the past calendar year of not only the yield of the common in forest products, but also of the expenses for the common and of the funds he has received for the covering of the same. This account shall be made out in two copies, of which one is to be transmitted to our forest administration and the other to our governor of province. It shall be the duty of the common administration to transmit to our governor of province, before the end of the month of August, annual accounts of the yield of the commons and of the distribution of the same among the part owners, or how otherwise disposed of. Should the common be under the care and management of the part owners, this account shall also embrace a list of the felling as well as of the expenses of the common during the past account year, and will in such a case be transmitted to our governor of province to the forest administration after the lapse of the thirty days mentioned in the following section.

§ 13. The accounts mentioned in the foregoing section having been received by our governor of province, they shall be open for examination by the part owners at the meeting mentioned in section six and during thirty days at the time and place fixed and published by our governor of province.

§ 14. Former instructions for a common respectively sanctioned may be in force, provided they correspond with these rules. Should an alteration be necessary, such may be done according to what is stipulated in section six for the issuing of new regulations.

CHAPTER III.

IN REGARD TO THE FORESTS BELONGING TO THE KING'S DOMAINS OR LET-OUT FARMS AND ESTATES OF THE CROWN.

§ 15. At the King's domains, the King's dairies, dwelling-places assigned to the finances of the States, (Statsverket,) and other farms and estates which are managed or let out for the account of the Crown, shall a regular forest management be introduced, provided they are not situated within the same territory as any private property; or, should there be any other objection, they shall be surveyed where our forest administration, with regard to the extent and quality of the forest, shall find it suitable. The cost of the survey shall be paid out of public funds, where not in existing leases otherwise is provided.

§ 16. Should the forest be very large and so located that the same may conveniently be placed under the immediate care and management of the forest corps, we will, upon the report of our forest administration, in each separate case, issue regulations therefor, and in such cases it shall be observed that sufficient forest is retained for household purposes, but the remaining forest, as now existing leases expire or the lessee will consent, shall be made into a crown-park, and managed according to Chapter I.

§ 17. In all the leases issued hereafter for the estates of the Crown, the lessee shall engage himself to care and manage the forest according to the plan of management where such has been or shall be sanctioned with the right to freely dispose of that yield of the forest even above what is required for household purposes; and when plans of management are made out for such forests as will remain under the care and management of the lessee, a certain amount of forest rent shall be fixed therefor, and

mentioned among the conditions of the lease. It shall depend upon the opinion of our and the Kingdom's Exchequer College, (Kammar Kollegium,) or the authority under the care and superintendence of which the estate is placed, whether, and under what conditions, the above right to dispose of the forest may be granted the present lessee for the remaining time of the lease.

§ 18. When forests belonging to the estates of the Crown are placed under the management of the lessee, it shall be the duty of the respective foresters to carefully watch over that the plan of management is followed and to report all neglects of the same.

CHAPTER IV.

IN REGARD TO FORESTS BELONGING TO THE FARMS OF PUBLIC INSTITUTIONS.

§ 19. In regard to forests belonging to the farms and estates of churches, academies, hospitals, soldiers' asylums, and other public institutions, what is stipulated in Mom. 1, § 15, about district felling and other regular management, shall be in force, and the respective administration or authority who shall have the superintendence over such property ought to apply to our forest administration to obtain the plan of management who shall order the respective forester to make out such a plan and to transmit the same to the forest administration for approval, for which service he will be separately paid in accordance with the tariff.

§ 20. The plan of management for such a forest having been approved of, it shall be the duty of the respective forester to see to that the same is observed and to report to our forest administration all neglects herein, and also, when the farm is managed by lessee or owner, to the administration or authority who superintends the same.

§ 21. In regard to farms belonging to public institutions, and which are cultivated by right of possession, is stipulated in the fourth chapter.

CHAPTER V.

FOREST BELONGING TO OFFICIAL DWELLING-PLACES.

§ 22. What is prescribed in Mom. 1, § 15, about district felling and other regular management shall be valid in regard to forests belonging to dwelling-places assigned to civil, military, and clerical institutions. Where such forests have not been surveyed as far as funds assigned for the purpose will allow, or when the possessors or administrations will defray the expenses for the same, the most suitable plan of management shall be adopted and our forest administration shall appoint a respective forester who, being separately paid for his service according to the tariff, shall survey and make out the plan of management to be transmitted to our approval by our forest administration. In making out such a plan, it shall be taken into consideration that the annual requirements of the owner of forest and pasture are filled as far as possible, even if the increase of the yield of the forest should be delayed.

§ 23. Should the forest belonging to a dwelling-place be very much larger than is required for household purposes, we will, upon the proposition of our forest administration, order the entire forest or a proper part thereof to be placed under the immediate care and management of the forest corps, as stipulated in regard to crown-parks; otherwise it shall be the duty of the farmer to guard and manage the forest, thereby observing the plan of management approved of by the forest administration.

§ 24. Until such a regulated management as mentioned in § 15 has been introduced in forests belonging to dwelling-places the owner may use the same for household purposes, when not a more extensive right has been granted him during his time of service; but thereafter may the owner, besides that he always shall enjoy that much of the income of the forest which is due to him through his previous right and what is necessary for the household purposes, if the forest is placed under his own care, receive a certain amount of the yield, which amount may, according to the greater or smaller expenses for the care of the forest, be fixed up to half the amount of the yield above what is required for household purposes. In regard to how much of the yield of the forest shall be the owner's, a regular management having been introduced, our forest administration shall, before the plan of management is approved, transmit to us their humble proposition, whereupon we, having learned the opinion of the respective parties, will decide separately in each case.

Out of the returns from forests belonging to dwelling-places shall first and foremost the expenses for its care be covered; but money advanced for the survey only be paid back in the proportion the dweller shall receive all he requires for household purposes.

The returns of the yield of forests belonging to dwelling-places which do not go to the dweller shall be disposed of at military dwelling-places by the direction for the same. At clerical dwelling-places it shall be used in conformity with the royal regulation of July 11, 1862, to regulate the income of the clergy: and shall, at the dwelling-

places for the governor of province, go to the funds for regulating the salaries of the governor of province, but in all other cases to the forest-planting funds.

§ 25. What is stipulated in the foregoing section concerning the disposal of the returns of forests belonging to dwelling-places shall be in force with regard to the compensation the dweller will receive when oak-trees are felled on the farm for the account of the Crown.

§ 26. When the parishioners shall build or repair the church or the house of the parson, they may take the necessary timber from the forest of the parsonage or other farms belonging to the same, as far as survey may be held, according to the approved plan of management, without infringement upon the right of the owner to the returns of the forest.

§ 27. When forest belonging to a dwelling-place, according to § 23, is managed by the forest corps, the manager of the "rivier" shall account for the same, in the manner prescribed for commons in § 12, Mom. 1; and our governor of province shall, after the dweller has seen of the account, transmit the same, and the surplus money for military dwelling-places, to the direction for the same, and for the clerical ones to the respective domkapitlet, (cathedral chapter,) which authorities shall, when requested, hand over to the dwellers their respective shares.

In regard to the account of other forests belonging to dwelling-places, the authority who superintends the same will issue necessary instructions.

§ 28. What is stipulated in § 17 shall be in force in regard to military dwelling-places let out for the account of the salary-fund.

CHAPTER VI.

IN REGARD TO FORESTS BELONGING TO PUBLIC FARMS CULTIVATED BY TENANTS.

§ 29. The forest belonging to farms owned by the Crown and public institution may be used for household purposes, provided not otherwise stipulated by special permission or prescriptions. However, in regard to crown-farms, our governor of province, and, in regard to other farms, the authorities under whose care they are placed, may, upon application, permit the owners to use the forest, even for sale, if they only observe the plan of management approved for the same.

§ 30. If such a special permission as mentioned in section 29 is granted, the owner shall apply to our forest administration for the plan of management. The forest administration will then appoint a forest officer, who is paid by the owner according to the tariff, to make out a plan of management, which is transmitted to the forest administration for approval. It shall be the duty of the officers of the forest corps, as well as of the foresters, to see to that the plan of management is observed, and to report to our governor of province, or the authority who superintends the farm, any transgression or neglect of the same; and if such is the case in regard to crown-farms, our governor of province shall, if necessary, and until otherwise decided, prohibit the use of the forest for other than household purposes.

§ 31. In regard to the right of tenants of crown-farms, settlers and owners of settlements in the six northern laus of using the forest over and above what is required for household purposes, is separately stipulated.

CHAPTER VII.

IN REGARD TO ADVANCES FROM PUBLIC FUNDS FOR FOREST SURVEYS.

§ 32. There, upon humble proposition, we have found proper that the expense of the survey of such public forests which are not at ours and the Crown's immediate disposal may be paid by advances from public funds, there shall the advances be paid back from the yield of the surveyed forest; and for this purpose shall, in the first place, the returns from the sale of the timber which has been followed on the lines of survey be used; if these means should not be sufficient, the balance will be gradually paid in out of the annual income from the forest above what is required for the care of the forest, and in regard to dwelling-places what the dweller needs for his household purposes.

CHAPTER VIII.

IN REGARD TO PASTURE AND HAY-HARVEST IN PUBLIC FORESTS.

§ 33. Pasturing and hay-harvesting may not take place in forests mentioned in these regulations, and for which plans of management are sanctioned, in any other way than prescribed in the plan of management, or in special cases permitted by the forest administration; pasture or hay-harvest in crown-parks may be purchased for a certain time at public auctions; of pasture which may be let out on commons, the administration of the same will dispose.

§ 34. If certain farms or communities have acquired right to pasture or harvesting in public forests, either by special resolutions or agreements, or if they have enjoyed the same as far as can be recollected, they will continue to do so until otherwise may be legally stipulated.

CHAPTER IX.

IN REGARD TO THE MARKING AND SALE OF FOREST PRODUCTS.

§ 35. In all the forests mentioned in the regulations shall trees holding at the root five decimal inches or more in diameter be worked in the prescribed order by the respective "rivier" manager or forester before they may be felled; and it shall be the duty of the party requesting the marking, or of the purchaser, to observe the rules which are prescribed by the respective foresters in regard to the felling and carrying away of such trees as well as of forest products which are not subject to marking. What is hereby stipulated shall not exist in regard to felling done in the prescribed order for household purposes.

§ 36. All sales of products from forests which are under the immediate care and management of the forest corps and from commons and dwelling-places shall be made at public auction, according to what is now or may in the future be stipulated. Time and place of auction, as well as conditions of sale, will be published by our governor of province.

§ 37. In regard to the marking and sale of forest product from crown-parks, surplus land and unsurveyed forests in the six northern læns is separately stipulated.

CHAPTER X.

GENERAL REGULATIONS.

§ 38. At examinations or surveys upon which the right of private parties is depending, the surveyor shall, after the plan of management has been made out by him, acquaint the parties whose right is in question of the plan, and they shall, within thirty days from being acquainted of the same, render their remarks to the surveyor, who shall transmit the same, accompanied by his report, to our forest administration, in case it should not be what is properly called forest land, when the remarks, with the report of the surveyor, shall be transmitted to our governor of province, whose decisions shall be submitted to the exchequer college, (Kammar Kollegium,) or any other corresponding authority, under whose jurisdiction the farm or the estate is placed.

§ 39. Should the owner of a farm, or a place mentioned in the third, fourth, and fifth chapters, wish to cultivate the forest ground belonging to the same, build a cottage, or make a pasture-ground arable, he shall apply to our governor of province, who will decide the case, after he has learned the opinion of the respective forest officer, and submit his decision to the exchequer college, or any other authority under the management of which the farm is placed. No such permission ought to be given, should the same interfere with the approved plan of management, before the forest administration has had the opportunity to give its opinion in the matter.

§ 40. Should the owner, tenant, or lessee of a public farm or place transgress the right of using the forest, afforded him by these regulations and the approved plan of management, he will be punished as far as lawful felling of forest, according to the twenty-fourth chapter of the penal laws.

§ 41. If the owner or lessee of a dwelling-place, royal farm, or other manors mentioned in the third chapter, shall neglect to do such necessary works for the care of the forest as are prescribed in the approved plan of management, and continues not to mind the same, our governor of province will order the work to be done through the forest corps, and at the expense of the neglectful party.

§ 42. The officers and attendants of the forest corps, as well as the forester, shall have the same right to report such neglects as mentioned in § 40, and to seize unlawfully felled limbs. Such timber will be sold at auctions, and the seizer will receive 20 per cent. of the net returns of the sale. The remainder shall be delivered to the institute to which the farm belongs, if the unlawful felling had been done on farms as mentioned in Chapter IV, but otherwise to the forest-planting funds, except if the unlawful felling has been done in forests belonging to farms assigned to the army, clergy, or the governors of provinces, when the stipulations in § 24 about the disposal of the share of the returns of the forest which do not belong to the owner shall be in force in regard to the above-mentioned surplus money. When a seizure is made the seizer shall immediately report the case to our forest administration, as well as to our respective governor of province; as for military farms to the respective chief of the regiment or corps. Neglect of these regulations, in regard to forests belonging to clerical farms, shall be reported by the respective parishioners.

§ 43. Should any one be dissatisfied with the decision of our forest administration concerning the management of the public forest, he may appeal to our department of finance, but not later than before 12 o'clock on the sixtieth day after he was acquainted of the decision.

§ 44. These regulations shall be in force from the 1st of July, 1867.

Which all whom it may concern shall have to obey.

In witness whereof, we have hereunto set our hand and caused our royal seal to be affixed.

The Palace of Stockholm the 29th June, 1866.

CARL. [L. S.]

J. A. GRIPENSTEDT.

[Translation from the Swedish.]

6. *His Royal Majesty's gracious regulations concerning the survey and sale of products of the forests in the l ns (counties) of Stora Kopparberg and Norrland, belonging to the Crown. Given at the palace of Stockholm, December 21, 1865.*

We, Charles, with the grace of God the King of Sweden, Norway, &c., make known that, whereas the estates of the kingdom have requested us, in gracious letter of the 28th of October, 1860, to take into gracious consideration whether or not the principles stipulated in gracious letters of April 11, 1844, and November 24, 1857, for the surveys of the forests of the crown-lands in the l ns of Westerbotten and Norrbotten, also ought to be in force for the l ns of Wester-Norrland, Jemtland, Gefleborg, and Stora Kopparberg, and, furthermore, in gracious letter of November 30, 1863, have proposed that, in regard to the right of using the forest over and above what is required for household purposes, which tenants of crown-lands, settlers, and owners of settlements in the six northern l ns ought to have, they should be maintained in the more extensive privileges which they, compared to other tenants, hitherto have enjoyed, but under that control which, for preventing of misusage, might be prescribed; thus we have, having heard the opinion of our forest administration and of ours and the kingdom's exchequer college, (Kammar Kollegium,) found proper to cancel our above-named gracious letter and all that is stipulated in regard to the survey of the above-named l ns, and to sanction the following:

§ 1. All felling of forest, except for household purposes, as mentioned in § 6, on the territories of crown-lands, or settlements on crown-parks, surplus land, unsurveyed forests, and on the land for which the saw-mills pay forest rent in the l ns of Stora Kopparberg and the six l ns of Norrland, shall in the future be done first after they have been surveyed by a respective forest officer.

§ 2. The following will have exclusive right of marking trees for felling:

1. Owners of crown-lands and settlements, in regard to the territories which have been allotted to them by the surveyor or provisionally marked during the survey;

2. Owners of tax-paying and freehold estate in regard to the territories provisionally marked out;

3. Owners of crown-land and settlements, as well as owners of tax-paying and freehold estate, whose land is surveyed or provisionally marked out, in regard to a certain tract of crown-land, which generally, or where local circumstances do not require an exception, is calculated for single farms or settlements, a distance of one-eighth of a Swedish mile in all directions from the dwelling; for smaller villages of not more than three families, a distance of one-quarter of a mile, and for larger villages one-third of a mile; it shall thereby be observed that, if farms or settlements which do not together make a village are situated so near each other that certain ground should, according to the above-mentioned principles, belong to them all, they shall have the same right to survey; and

4. Owners of saw-mills in regard to the land assigned to them as compensation for the privileges of felling, whether it is divided into farms or paying tax or forest rent.

§ 3. Unserved dwelling-places shall also have exclusive right to survey according to the foregoing section; but in regard to the right of disposing of the marked timber, shall the regulations issued in this regard for similar dwelling-places be in force.

§ 4. For timber marked according to § 2, no stub-money or corresponding duty shall be paid to the Crown; but the one who requests the making shall have to pay the cost of the same, according to the rules His Royal Majesty may prescribe.

§ 5. Application for marking according to § 2 shall be made to the respective forest officer before the 1st of March the same year the marking is desired. The forest-officer shall thereafter, before the 1st of October of the same year, examine and mark the trees in the presence of the applicant, all in accordance with §§ 9 and 10. Beams and saw-timber which may be felled during the year shall be provided with the crown-mark. In regard to other kinds of timber, marking may be done for as many as five

years at the same time, and in such a case it shall be decided how much and what kind of timber may be annually felled on each part of the forest. Before the surveyor leaves the place he shall give the applicant, free of charges, a record of the survey, for which he shall obtain a receipt. The cost of the survey shall be entered in the record. Should the applicant be dissatisfied with the survey mentioned in this section, he may appeal to our forest administration before 12 o'clock on the sixtieth day from the time the surveying documents were handed to him.

§ 6. Felling may also be done within the territories mentioned in § 2, as far as needed, for the household purposes of the farms, settlements, or dwelling-places.

§ 7. The timber from crown-parks, surplus land, and that part of unsurveyed forest to which no one has the exclusive right of felling according to § 2, shall be sold to the highest bidder.

§ 8. For the purpose mentioned in the foregoing section the respective district directors shall annually make out a felling project for each crown-park or other forest-land within their "rivier," according to the approved plan of survey and management, and to the knowledge of the quantity of timber of other crown-lands mentioned in the foregoing section, and transmit the same to our governor of province before the 1st of April. Should private parties, companies, or communities wish to have their land surveyed, they shall apply, in writing, to the respective district director before the 1st of March the same year the survey is desired, and he shall, provided there be no reasonable objection, make out a felling project for the same. Should he not be sufficiently acquainted with the tract, he shall make a preliminary survey of the same at the expense of the applicant.

§ 9. The felling ought to be so done as not to ruin the forest, and that always the same number of trees, suitable for timber and deal, may be got every year. Full-grown forest ought not to be spared so long as to be unfit for use by being too old. In regard to this our forest administration shall give the respective district directors necessary orders. At the survey of forest-land which has been on fire the trees damaged by the same ought to be first felled.

§ 10. The following kind of trees may be marked for felling:

1. Mast and large timber trees.
2. Trees suitable for beams and saw-timber, and which are 9 inches in diameter at the height of 24 feet from the root.
3. Crooked and short trees, which never can be suitable for beams or saw-timber of the above-named size.
4. Leaved, wind-fallen, and damaged trees, as wells as stubs and roots, which may be used for making charcoal, tar, or potash.

For account of privileged saw-mills, having territories assigned to them, may trees of a diameter of $8\frac{1}{2}$ decimal inches at the top end be marked for felling.

§ 11. In regard to the value and fitness for different purposes of the trees intended for sale, they shall be thus classified in the plans for felling:

1. Mast and large timber-trees.
 2. Growing trees for beams.
 3. Growing trees for larger saw-timber.
 4. Growing trees for smaller saw-timber.
 5. Trees having been on fire or otherwise slightly damaged, suitable for beams.
 6. Trees having been on fire or otherwise slightly damaged, suitable for larger saw-timber.
 7. Trees having been on fire or otherwise slightly damaged, suitable for smaller saw-timber.
 8. More damaged and wind-fallen trees for beams.
 9. More damaged and wind-fallen trees for larger saw-timber.
 10. More damaged and wind-fallen trees for smaller saw-timber.
 11. Loads of timber for manufacturing purposes.
 12. Loads of forest products for making charcoal, tar, or potash.
- Trees being, 24 feet from the root, 14 decimal inches in diameter are considered suitable for beams.

Trees being, at the same height, 9 to 14 decimal inches in diameter are suitable for large saw-timber, and those having a diameter of $8\frac{1}{2}$ decimal inches at the height of 16 feet for smaller saw-timber.

One load of timber for manufacturing purposes is equal to one-third of a "famn," or Swedish cord of wood of 144 cubic feet, outside measure.

§ 12. In making out plans for felling, the surveyor shall divide the territories to be surveyed in certain felling districts according to the locality and quality of the forest, and, besides, propose the way by which the timber may be most conveniently transported.

§ 13. It shall be the duty of our governors of provinces to arrange the auction-sale of the timber as soon as in receipt of the plans and guided by the proposition of the district director, transmitted to them, to stipulate the conditions of sale at the auction, however, without fixing a lowest price. Our governors of provinces shall espe-

cially see to that a suitable part of the timber felled within each district is offered for sale in smaller lots of 50 beams and 100 saw-timber or loads.

§ 14. Should the felling project embrace a tract where the owner of saw-mill is entitled to fell trees, he shall be made acquainted with the same through the care of our governor of province before the auction is published, and the owner shall within a certain specified time inform within which tract he prefers to get the number of trees or saw-timber to which he is entitled by the privileges of the mill; and this ought to be separated from what is going to be sold and assigned to the mill against the payment of the fixed stub-money.

§ 15. It shall be the duty of our governors of provinces to have marking-lists made out immediately after the auction and in accordance with the project for felling and the records of the auction; according to these lists the respective officers execute the marking. Our governors of provinces shall manage so that the lists are delivered to the district directors if possible before the 1st of June.

§ 16. The district officer shall mark the sold timber according to the lists, thereby observing that when several persons have purchased timber within the same tract the latter are as equally favored as possible in regard to the facilities of transporting the timber. All trees intended for beams and saw-timber shall be provided with the crown-mark, and the district officer ought to mark out the different tracts assigned to the different purchasers. Our forest administration shall besides give the foresters all the detailed instructions necessary for the marking and the felling of trees.

§ 17. Each survey shall embrace crown-parks and other territories for which a separate project has been made out. At least fourteen days before each survey the same shall be published from the pulpit of the parish church and the time named when the surveyor may be expected to each separate tract. The next Sunday after a survey, it shall also be published from the pulpit that the same is finished. Should any one consider the surveyor having infringed upon his right according to § 2, or unjustly distributed the timber between the respective purchasers within the same tract, he may appeal to our governor of province not later than 12 o'clock on the fifteenth day after the last-named publication, in consequence whereof no felling of the marked timber shall take place until the above-mentioned fifteen days have elapsed. All surveys ought to be finished if possible before the 1st of October every year.

§ 18. Marked timber ought to be felled and carried away from the forests of the Crown before the 1st of June the year next after the survey; however, our governor of province shall, when fixing the condition of the auction-sales, or upon special application, and after having heard the opinion of the respective foresters, grant a longer time for this purpose, but not more than five years from the time of the survey, of which fact the respective foresters ought to be informed. Should the purchaser neglect his duties in regard to the above, he shall forfeit his right to the timber.

§ 19. Should our forest administration find that a crown-park for which the plan of survey and management is made out may during a longer period of years yield a larger number of beam and timber trees, the right to fell a certain number of trees after the annual marking has been done may be offered for sale, the right to continue during a term of twenty years; and our forest administration shall make a contract with the purchaser to be submitted to our own gracious judgment. Such a contract may not prevent the usual marking of other timber than those specially mentioned above.

§ 20. When felling and carrying away of marked timber are done, the workmen ought to be provided with the marking-list, record of auction, or a special certificate of permission of our governor of province to show the Crown and forest officers, whenever requested; otherwise risking, to be ordered to discontinue their work.

Which all whom it may concern shall have to obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace of Stockholm, December 21, 1865.

CARL. [L. S.]

J. A. GRIPENSTEDT.

His Royal Majesty's gracious regulations in regard to the establishing of crown-parks in the lens of Stora Kopparberg and Horrland, and to certain rules to be observed at the separation of common grounds into distinct possessions (storskiften) and settlements in the above-mentioned lens. Given at the palace of Stockholm, December 21, 1865.

We, Charles, with the grace of God the King of Sweden, Norway, &c., make known that, whereas the states of the Kingdom at the Riksdag humbly represented the necessity of retaining suitable tracts of the crown-lands within the lens of Stora Kopparberg and Norrland as crown-parks, thus we have found proper graciously to stipulate the following:

§ 1. Already existing surplus land of the Crown, as well as they which arise from

present divisions and "storskiften," shall, where such is suitable, on account of their being situated together, of the general quality of the forest ground and of the forest itself, facilities of floatage, sale of forest products, demand for timber in the locality, and other similar circumstances, be retained and managed as crown-parks.

§ 2. In order to ascertain the above-mentioned circumstances our governor of province in the lœns of Stora Kopparberg, Gefleborg, Wester-Norrland, Jemtland, Westerbotten, and Norbotten, shall, where such is not already done, have the place examined by a specially-appointed surveyor and officer of the forest corps, and humbly report to us upon the subject; whereafter we will graciously order which of these grounds shall be placed under the care and management of the forest corps. Has such a farm or settlement arisen from a previous survey, it shall be separated again from the crown-park.

§ 3. When survey or "storskiften" is hereafter done in any parish, there shall also certain ground be assigned to one or several crown-parks, provided such is necessary and there is suitable locality. At the survey shall, therefore, not only the ground which is particularly suitable for cultivation be assigned to new settlements or older settlements and farms, but it shall also be seen to that the ground which has less facilities for cultivation on account of the circumstances mentioned in § 1, and therefore suitable for crown-park, is properly separated from the property of private persons. The interest of the Crown shall, in this case, be guarded by the respective forester, and the surveyor shall, therefore, always call the former to the meetings held with the farmers for the division of the ground. Should he propose the establishing of a crown-park, the surveyor shall, after the survey and the map is finished, but before the final project to division or "storskifte" is made out and the same is executed, together with the forest-officers, make out a provisional project of places for one or several crown-parks, and submit the same to the judgment of our forest administration, who shall make the remarks they may have reason to make. The case is hereafter decided by our governor of province, together with the whole of the survey.

§ 4. From unsurveyed forest may, before the general survey is done, certain ground be assigned for crown-parks, should the forest administration find it necessary and if there is sufficient ground within the parish for already-established farms and settlements. In such cases shall our governor of province, at the request of our forest administration, separate the ground in question from neighboring farms and settlements, and shall thereby also what is stipulated in regard to the division of ground in other parts of the lœns of Westerbotter and Norrbotten be in force for Lapland.

§ 5. Old farms and settlements shall in the future, as heretofore, receive at divisions and "storskiften" that space of forest and ground to which they are entitled according to regulations; but should there be question about separation into a crown-park, the forests of the farms ought to be so situated that the crown-park will receive natural boundaries of water or impediments, and be thus separated from the private properties. Should this not be possible, the farms may keep the pasture and forest sufficient for household purposes within the crown-park, but their other forest property will have to be situated outside the crown-park.

What is prescribed in this section shall also be observed when, under general survey, a certain piece of ground is assigned to saw-mills, as a compensation for the lost privilege of felling trees, in accordance with our gracious letter to ours and the kingdom's exchequer college (Kammar Kollegium) of May 29, 1852.

§ 6. The cost of the different surveys mentioned in §§ 2 and 4 shall be paid from the forest-planting funds, it depending upon the representation of the forest administration and upon our special gracious judgment whether, with regard to the surveys mentioned in § 4, some part of what has been paid by the forest-planting funds shall be returned from the funds assigned toward the general surveys.

Which all whom it may concern shall have to obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace of Stockholm, December 21, 1865.

CARL. [L. s.]

J. A. GRIPENSTEDT.

His Royal Majesty's gracious proclamation prohibiting new settlements for the present. Given at the palace of Stockholm, December 21, 1865.

We, Charles, with the grace of God the King of Sweden, Norway, &c., make known that, besides having, in consequence of the humble proposition of the estates of the kingdom when last collected, in regard to the forest management within the northern lœns of the kingdom, under this day, transmitted to the estates of the kingdom now collected our gracious proposition with regard to altered regulations about the assignment to private parties of the crown-land in Norrlands and Stora Kopparberg's lœn, we have, in connection therewith, found proper graciously to stipulate

that our gracious letter of May 25, 1860, to ours and the kindom's exchequer college, (Kammar Kollegium,) prohibiting new settlements upon surveyed surplus land in the northern l ns, shall also exist for Stora Kopparberg's l n, and that, in regard to crown-lands for which survey not yet has been sanctioned, no permission to found new settlements upon such land will be at present granted.

Which all whom it may concern shall have to obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace of Stockholm, December 21, 1865.

CARL. [L. S.]

J. A. GRIPENSTEDT.

[Translation from the Swedish.]

7. *His Royal Majesty's gracious regulations concerning the right to dispose of forests on such "skattehemman" (estates for which rent or tax is paid to the Crown or to a private person) as are created by settlements, which are leased from the Crown, or by such older settlements on which the prescribed conditions of building and cultivating have not been duly fulfilled. Given at the palace of Stockholm, June 29, 1866.*

We, Charles, with the grace of God the King of Sweden, Norway, &c., make known that, whereas the estates of the kingdom, in writing of the 15th instant, have announced their approval of our gracious proposition of the 21st of December, last year, concerning amended directions in regard to the lease to private persons of the land of the Crown in the l ns of Norrland and Kopparberg, we have found proper, in accordance therewith, graciously to sanction the following rules:

  1. On "skattehemman," arising from settlements, of which hereafter the Crown may grant a lease, the owner shall have no other right to the forest of the estate than to take sufficient timber and fuel for household purposes, without survey, and after survey and marking by the Crown officers, to appropriate and sell all that, in addition hereto, may be felled without injury to the forest. Neither may, for the purpose of cultivating the soil, the forest be felled otherwise than above is indicated, unless the owner, as hereafter stated, has obtained special permission thereto from the governor of the province.

  2. What is prescribed in the foregoing section for estates arising from settlements on which the Crown may hereafter grant a lease shall also be in force for such estates arising from settlements on which lease already has been granted, and where the prescribed duties of building and cultivating have not been fulfilled within the time specified; and our respective governors of the provinces shall, in order to ascertain whether such is the case or not, as soon as convenient, and at least within the time when, according to existing rules heretofore, settlements ought to be inspected, order an inspection to be held, in the order prescribed, at such settlements on which the Crown has granted the lease, before the issuing of the regulations, and the accord hereof to be transmitted to our governor of the province. Should at any settlement the prescribed duties of cultivating and building not have been fulfilled within the time heretofore specified, our governor of the province shall, by a special resolution, from which appeal may be made in usual order, and where there can be no question of dispossession, declare that, since the settlement, when the duties of building and cultivating have been fulfilled at some future period, has been transferred to a copyhold estate, the owner will only have such right to the forest as is stated in   1.

  3. It shall be specially stated in all the resolutions by which a settlement is transferred under the title of "skattehemman" or copyhold estate, whether the owner shall have full right to the forest belonging to the same or only enjoy the limited right mentioned in   1; this ought to be recorded in the ground-rent book.

  4. For the survey and marking of such copyhold estate as mentioned in     1 and 2, shall our gracious regulation of December 21, 1863, concerning the marking and sale of forest products from the forests of the Crown in the l ns of Stora Kopparberg and Norrland be in force. The cost of the marking shall be paid according to the principles adopted therefor by our gracious letter to the forest administration of the 11th of May of the present year.

  5. Should the owner of such copyhold estate, as mentioned in     1 and 2, wish to fell trees for the purpose of cultivation, over and above the marking for the year, he shall apply to our governor of the province, the application to be accompanied by the certificates of two creditable persons, as to the situation, extent, and quality of the ground, its fitness for cultivation, and of the time required for the completion of the same. Our governor of the province will, where further survey may be necessary, cause such a survey to be held by the respective officer, and at the expense of the applicant. Should our governor of the province find proper to grant the application, he will fix a certain time within which the applicant shall have completed the cultivation,

in default of which the applicant will be suitably fined; whereupon, the forest, having been duly marked, may be felled and used by the owner as he pleases.

§ 6. Any owner of copyhold estate mentioned in § § 1 and 2 who shall infringe the right to the forest of the estate given him by this law will be punished as for unlawful felling of forest, as per the twenty-fourth chapter of the penal law. The officers of the forest corps, as well as the foresters, shall be entitled to prefer charges against such offenders, and, to seize unlawfully felled timber, the party who makes the seizure shall receive 20 per cent.; the balance shall go to the forest-planting funds.

Which all whom it may concern shall have to obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace of Stockholm, June 29, 1866.

CARL. [L. S.]

J. A. GRIPENSTEDT.

His Royal Majesty's gracious proclamation concerning the canceling of the temporary prohibition against new settlements, of December 21, 1865. Given at the palace of Stockholm, June 29, 1866.

We, Charles, with the grace of God the King of Sweden, Norway, &c., make known that, since we, under the 21st of December last year, in connection with our gracious proposition to the States of the kingdom, concerning, among other altered regulations in regard to the lease to private individuals of the land of the Crown in the l ns of Norrland and Kopparberg, by gracious order of the same day, have temporarily prohibited the granting of permission to settle upon the crown-lands, on which the felling of forest not yet has been regulated, thus, and after the States of the kingdom have announced, in writing of the 15th of this month, their consent to our proposition, and we, in consequence hereof, under this date, have issued gracious regulations concerning the right to dispose of the forests on such copyhold estates, which arise from settlements in which hereafter lease is granted by the Crown, or on such other settlements, for which the prescribed cultivation and building have not been fulfilled, therefore, we have found proper to graciously command the canceling of the above-mentioned prohibition, that on the unfelled forest of the Crown in the l ns of Kopparberg and Norrland, as well as on such remaining ground in the said l ns, which have, after prescribed examination, been found unfit for crown-parks, settlements may be granted to farmers, if suitable localities exist, and under condition that the rules already prescribed or graciously issued in the future may be observed.

Which all whom it may concern shall have to obey.

In witness whereof we have hereunto set our hand and caused our royal seal to be affixed.

The Palace of Stockholm, June 29, 1866.

CARL. [L. S.]

J. A. GRIPENSTEDT.

His Royal Majesty's gracious communication to the board of domains, Kammar Collegium, June 29, 1866, concerning the disposal of such remaining land, which cannot suitably be used as crown-parks or for new settlements, &c.

Charles, &c., our grace, &c. Since we, under the 21st of December last year, proposed to the estate of the kingdom several new regulations in regard to the disposal of such surplus land or parts thereof, which are set aside by the surveys in the l ns of Stora Kopparberg and Norrland, and found less suitable to be retained as crown-parks or used for new settlements, on account of their being not suitable for cultivation; and as the estates of the kingdom, in humble writing of the 15th of this month, have announced their approval of what we graciously have proposed, therefore, we have, in accordance herewith, and with regard to the opinion the honorable house of peasants has expressed concerning reindeer-pastures, and localities for which the rent is paid in butter, found proper graciously to stipulate that, with exception of what is called reindeer-pastures, the disposal of which for other purposes we do not think ought to be considered at present, such surplus land in the l ns of Stora Kopparberg and Norrland which offer no inducements for cultivation, and which, either by being irregular tracts within and between the territories of villages and farms, or otherwise by its qualifications not suitable to be retained as crown-parks, shall, according to our opinion in each separate case, either where certain farms or villages use pasture-ground against butter-rent, be joined to these farms without purchase-money, but with increase of the ground-rent, in such manner as the survey regulations prescribe, or be liable to forest-rent according to the gracious regulations of June 28, 1775, and the gracious let-

ter of December 5, 1780, about the taxation in Savolax and Rarelen, and be sold with the right of ownership to the highest bidder, with duty for the purchaser, if the land is used as pasture against butter-rent, to leave the possessors undisturbed in their right to pasture and necessary fuel, as well as to timber, for such houses and fences as are necessary for the use of the pasture-ground. In both these instances, however, shall the future private owner of the land in regard to the right to use the growing wood submit to the same rules which are prescribed for owners of such farms as arise from settlements hereafter leased from the Crown, in accordance with our gracious regulations issued under this day.

And we command our governor of the lans of Stora, Kopparberg, and Närke, when rendering their humble proposals in regard to the future disposal of surplus lands, to take into consideration if the same or parts thereof may be thus qualified as to be disposed of in either of the two above-mentioned ways.

This to all whom it may concern to obey, and we commend you to God Almighty.

The Palace of Stockholm, June 29, 1866.

CARL.

J. A. GRIPENSTEDT.

His Royal Majesty's gracious letter to the board of domains (Kammar Collegium) of June 29, 1866, concerning the transferring to the forest administration the care and management of the forests within the kingdom hitherto committed to the charge of the board of domains.

Charles, &c., &c., Our Grace, &c., &c. Since our forest administration in writing, dated the 31st of last March, humbly inquired whether the time has not arrived for the transferring to them of the administration and management of the forests which hitherto has been committed to you; and you have declared in your report of the 27th following April, that the business in question and which partly, according to § 5, mom. 10, and § 8, mom. 18, of your instruction of the 16th of February, 1838, but principally, by the instruction for the forest and chase corps of the 16th of March, said year, still belonged to you, but ought, according to the above-mentioned gracious letter of the 21st of January, 1859, to be transferred to the forest administration, consisted of: 1. Examination our sanctioning of felling-districts and plan for the management of crown-parks and commons, according to § 4; 2. Similar examination of propositions in regard to the forest economy on quicksand fields, according to § 9; 3. Examination of projects for cultivating the crown-parks, according to § 31, which required the assignment of money from the forest planting funds; and 4. The taking of such measures as were prompted by the annual reports of crown-parks and commons, transmitted to you according to § 40, all in the last-named gracious instruction; and, besides, humbly stated that, in your opinion, there would be no objection to the transferring of the said business to the forest administration; thus we have issued under this day gracious regulations in regard to the economy of the common forests within the kingdom, according to which it belongs to the forest administration to examine and sanction the plans for the management of the common forests and to issue all other instructions necessary for their management in connection therewith found proper to decide, that the forest management now being your office, according to special sections of your instruction of February 16, 1838, and to the instruction for the forest and chase corps within the kingdom, of March 16, the said year, in the future shall be exercised by the forest administration, and that it consequently shall be your duty to deliver to the forest administration documents and maps belonging to the forest economy within the kingdom, now in your possession.

This to all whom it may concern to obey, and we commend you to God Almighty.

The Palace of Stockholm, June 29, 1866.

CARL.

J. A. GRIPENSTEDT.

IV.—THE PROFITS OF FOREST CULTURE ON A SMALL FARM.

In a little pamphlet of 64 pages, entitled "Directions in Forest Culture for the Peasantry," by Mr. C. A. T. Björkman, secretary of the royal administration of forests, published in 1870, under the patronage of the patriotic society of Sweden, are some practical suggestions under this head, of which the following is an abstract. Mr. Björkman is also an instructor in the Royal Forest Institute, and has had upward of twenty years' practical experience in forest culture.

On one tunnland (1.22 acres) of medium fertile land closely grown with pine and spruce of from twenty to one hundred years of age, forest grows yearly to an average amount of half a famn of wood, (1 famn nearly a cord,) or 50 Swedish cubic feet. On a little forest of 50 such tunnlands the yearly growth is 25 famns. When one without damage is able yearly to consume as much as the forest during the same time grows,

he thus obtains for all the future a yearly consumption of 25 famns, consisting of timber-fuel, fencing, &c., on the condition, however, that the consumption is suitably done; that no trees are here and there pulled up; also, that attention is paid to re-growth where the forest has been cut away. To such production can further be added about 5 famns obtained from branches and stumps, so that the amount rises to 30 famns. Where the consumption is thus regulated through the whole forest, the new growth of trees on the place cleared will be of larger size, and if they are close there will be an increase of fertility from the abundance of leaves, and an additional growth may be reckoned on of 10 famns; so that the whole timber-production of every sort for home need is augmented to 40 famns. On the contrary, by bad management, the growth from year to year diminishes.

The difference between regulated or economical management of a forest, and the contrary, in money valuation may be stated as follows:

10 saw-logs, at 20 cubic feet, (Swedish).....	200
20 building timbers, at 15 cubic feet, (Swedish).....	300
10 loads fencing, at 33½ cubic feet, (Swedish).....	333
500 poles or stakes, at 20 cubic feet (Swedish) per 100.....	100
20 famns of wood.....	2,000
2 loads mechanical timber.....	67
Swedish cubic feet.....	3,000

or 30 famns.

With the forest economy now in use, and if the forest from the beginning was not richly seeded, it can be taken without exaggeration that timber fails after the space of twenty-five years. The purchase of such at an average price of 3.50 rix-dollars costs afterward over 100 rix-dollars a year besides hauling. After a further lapse of five years even poles are lacking, which, at 4 rix-dollars per 100, cost 25 rix-dollars. When ten years more have passed the remaining trees are all too brushy and damaged to be serviceable for fencing, which, when the same has to be bought at a price of about 3 rix-dollars a load, or 30 rix-dollars for ten loads, it will be seen a yearly outlay of over 150 rix-dollars has been laid on the farm; a burden which, when finally even mechanical timber, and for the most part fuel also, is wanted, is further increased at least 50 rix-dollars, so that the expenses for timber for domestic use amount to 200 rix-dollars; a sum which comprises the interest on 4,000 rix-dollars wherewith the value of the estate has thus been diminished, while the owner has had considerable outlay yearly in procuring domestic timber. In other words, the proper rearing and care of a forest is the creation of a permanent capital or fund the interest of which can be securely relied on.

V.—HOW A PLAN OF SYSTEMATIC FOREST ECONOMY CAN BE CARRIED OUT ON A SMALL FARM.

The so-called "tract-cutting," whereby consumption for the year is confined to a certain given clearing, usually comprising $\frac{1}{10}$ or $\frac{1}{15}$ of the forest, is undoubtedly the most desirable manner of consuming in somewhat larger forests, where annual cuttings contain all of the different sorts of timber and wood which are required for home use. But in small forests, such as are here chiefly considered, where the annual cutting cannot be expected to supply the home wants, tract-cutting must be practiced, with certain modifications, because it may happen, for example, that when one particularly needed heavy timber the annual cutting would include none other than fencing, and *vice versa*. This modified plan is called *regulated thinning*, being the same that is prescribed in the circular of the forest administration of June 20, 1867, for such lesser public forests as are not adapted to tract-cutting.

As all economy ought to be based on a *plan*, we will now see how one should proceed to devise without cost an inexpensive plan of regulated forest economy. Taking, for example, a forest of fifty tunnlands, (sixty acres,) one must first examine and fix in mind where the old, middle-aged, and young forest "bestands" are situated, or, if they are blended, where each of the different ages preponderate. Old forest may be designated as that one hundred years old or older, the middle-aged from forty to one hundred years old, and the young under forty years. In case it has not already been done, the forest is surveyed and marked out into three divisions, according to the three age classes, and also mapped; but if the trees are so mixed that the forest cannot be classified according to age, it should, nevertheless, be divided into three somewhat equal parts. Natural formations, hills, swamps, or the like, are to be taken in preference as boundaries of the divisions. [Here are given details as to the method of measuring the forest.] The area of the forest being ascertained, one should deduct therefrom the unproductive parts—marsh, hill or ledge—so as to know really how many acres will bear forest. Then, inasmuch as every tunnland ($\frac{1}{5}$ acres) of medium forest grows as much as $\frac{1}{5}$ famn, or 50 cubic feet, so it is evident that for every two tunnlands one may

consume 1 fann, or 100 cubic feet, or as much as 25 fanns, on an average, good forest of 50 tunnlands of actual forest land which grows young, middle-aged, and old best-ands. If the forest is thin or slow-growing, some abatement should be made, so that one calculates, for example, only 40 cubic feet on a tunnland, or, as is the same, 2 fanns for every 5 tunnlands, when the yearly consumption on a forest of 50 tunnlands can amount to 20 fanns. Regard should be had to the gaps or bare places, and that the annual yield of the forest is not overestimated. The principal consumption should be confined to that one of the three divisions of the forest which contains the oldest trees, and which ought to be sufficient for a third part of the rotation period, namely, forty years.

How consumption shall be effected with a view to regrowth by self-seeding.—Before the consumption is undertaken one ought seasonably to estimate what timber and wood is needed for the year, so that the cutting can be well arranged, and that he shall not need to send inconsiderately at the last moment to the forest to cut. One should always seek to regulate the cutting so as to leave forests growing between the place of cutting and any naked or treeless surface. If the forest borders on an open field or lake the cutting should commence at the opposite side, so as to protect the borders of the clearing from wind and storm, and thus avoiding windfalls.

With the exception of *seed-trees* left at a distance of 6 to 8 and at the farthest 10 yards between the ends of the branches, *all* trees and bushes should be cut, inasmuch as the bushes that are left are for the most injured by bruising, and cannot become suitable trees, and besides they produce too much shade. The branches and tops, if left, are food for forest-fires, and should be hauled away. On the other hand the finer twigs are spread over the cleared place so that the leaves during the following summer may increase the mold. In course of two or three years one finds that many pine and spruce plants have come up. In five or six years after the consumption, regrowth is usually so advanced that the *seed-trees* can then be cut.

After consumption in the manner stated has commenced, it is most desirable, in the cuttings which are made the following years, to extend the gap made through the first year's consumption, in doing which one proceeds in the direction from whence the heaviest winds usually come. On the other hand, one should spare the forest at the other border of the gap, which already has been somewhat tempered to the storm, and thus protects the forest lying behind. * * *

Now, if one proceeds in this manner during the forty years allotted to the first division, observing strictly not to consume more than what, according to the before-ordered calculations, he has found that the forest can bear, he will, at the close of that period, have consumed all the forest which at the beginning was on the first division; but in place thereof he has obtained a regrowth consisting of a new, strong, and close young forest up to the age of forty years. Meantime the second division, which was spared from all other cutting than such trimming as was needful for increasing the forest's rapid development, has grown and increased so that consumption thereof can begin, and be continued during the next forty years. At the expiration of this period consumption likewise goes over to the third division, which shall equally be sufficient during forty years; whereupon the whole forest has thus been gone through, and a new forest reared, so that ripe forest can begin to be consumed at the end of the one hundred and twenty years (rotation period) where the cutting on the first division had its beginning.

In respect to forests in the northern sections of the kingdom, where timber is cut for the market, it is to be remarked that such trees are to be selected as are ripest, wherever they are, leaving however about twenty to thirty *seed-trees* per tunnland.

How pruning should be done.—While consumption is going on as above mentioned, on the first division, the two other divisions must not be left out of view. In these divisions there usually occur crowded or oppressed trees, which, though approximately of the same age as the others, nevertheless have been overgrown by them. These ought to be removed, in some cases because they are dead and fallen, in others because they prevent a free development of the growing trees. This is called *help pruning*. So there are usually found in the young forest older trees, which, through their wide-extended branches, overshadow it and hinder its growth, or are too old to be able to remain till the surrounding young forest is ripe. These trees ought as well to be consumed, which is done through the so-called *preparing* pruning or dressing. Pruning begins on the second division where it joins the first, proceeds through the third, and when that is finished begins on the new-grown forest of the first. Hereby one-twentieth of the forest is yearly *help-pruned*. One, however, is not obliged to prune every year if he has not need of such smaller timber and wood, but may do it every other or every third year according to need, when, of course, the extent of the tract pruned will be increased.

Till one acquires experience he must prune sparingly. Especially must pruning be sparing on light soil. * * * Pine forest is generally more pruned than spruce. Where the forest is already thin, all pruning must be postponed.

In clay-bound soil, which has the preference for spruce, the pines ought principally

to be pruned off, if such are found in considerable number, and the reverse on sandy soil where pine should be the prevailing kind. Where birch occurs too plentifully in fir forests it should be pruned out and only one here and there left. * * * Next to open field or lake, from which heavy winds are apprehended, one should leave a breadth of about fifty yards unpruned. The most suitable time for *help-pruning* in young forests is early winter, when the ground is frozen but heavier snows have not yet fallen. *Help-pruning* yields on an average a revenue of about two famns per tunnland.

Preparatory or dressing pruning begins and continues only on the third division, and has for its object to effect an equal or harmonious forest Bestand.

Cleaning-pruning is the removing of dead, injured, or sickly trees, and those scattered by windfalls, and should be done at the same time and place with the other prunings, however, before there is enough snow to greatly impede the work. If the windfalls are considerable there should be a diminution in the consumption of sound forest.

Pasture.—Generally there are rocky, unarable spots in a pasture, which should receive forest culture. For such places the white birch is recommended especially, as its leaves make good fodder, although it is not to be denied that the browsing injures the tree. The birch requires sixty years to attain its maturity.

Marshes should be drained and stocked with the gray alder, which, although it belongs to drier places, can grow on swampy tracts. Consumption can be had when the tree is twenty to thirty years old—"Handled ning i Skogs Skötsel för Allmogē," 3-66.

VI.—EXPLANATION OF CERTAIN TERMS IN SWEDISH FOREST SCIENCE.

Forest culture (skogs skötsel) includes the raising of forest, its treatment during growth, and its consumption.

By *consumption* of forest is understood the felling of trees in such a manner as to facilitate the effort of nature to produce new forest in place of the former.

Forest cultivating (skogs odling) is the raising of forest by means of sowing seed by hand, or planting.

High forest is that which is not intended to be consumed till the trees have attained their maturity.

Low forest is that which comes from shoots from the roots or stumps of former trees, and which may be consumed in a shorter time to give place to another similar crop—as, for instance, timber for hoops, hop-poles, and the like.

Rotation period. The time required, commencing with the sowing, for a forest to grow and mature.

Tract-cutting is the felling of such a portion of the forest as, according to a previously prepared plan, has been allotted for a year's supply, or such a portion as can be cut with due regard to the rotation period.

Regulated thinning is a manner of consumption, or of cutting, which is generally practised in forests where the trees in the same place are of different age.

Bestand. This word, written in Swedish "bestånd," is borrowed from the German, and has a meaning in forest nomenclature for which there seems to be no corresponding English word. The original German word will therefore be adopted in this paper. The *bestand* of a forest means, in one sense, a group. There may be several *bestands* in the same forest, though the forest consists of only one sort of trees. If in a forest there is a cluster of trees of the same age, and different from its neighbors, that cluster is a *bestand*. Or if there is a body of trees of particular closeness, that body is spoken of as such a *bestand*. In short, by *bestand* is understood every part of the forest which, through variety, age, closeness or growth distinguishes it from its surroundings. The *bestand* is said to be *clean* when it consists of only one variety of trees, and *mixed*, when it comprises two or more. If these varieties are divided into groups, the *bestand* is *group-wise* mixed. The sort which occurs in greatest number is called the *prevailing*, and the others *subordinate*. With regard to age the *bestand* is called *equal* when all the trees are about equally old, and *unequal* when this is not the case. The *bestand* which contains enough trees to afford full increase is entitled *thick*, or *close*; when the reverse, the *bestand* is more or less *thin*.

VII.—FOREST SCIENCE AS APPLIED IN SWEDEN IN THE CULTIVATION OF THE OAK AND CERTAIN OTHER TREES.

[What follows below in relation to growing the oak, the larch, the beech, and the pine, also as to blending forest bestands, is compiled from the Swedish work by Mr. Björkman entitled "Hand-book on Forest Culture," an octavo volume of 305 pages, illustrated, and published in 1868. Another standard Swedish work is the "Text-book on Forest Science," in two volumes, by C. L. Obbarius, published in 1845.]

1. Conditions which operate on the treatment of the oak.

And first, *soil and situation*. The oak covets a deep, mold-rich, clay soil, which should be mixed with enough sand for the free development of the roots. Of all the more common forest trees, the oak has the greatest demand of deep and good soil, and can, therefore, with as little advantage be cultivated on rocky hill tracts, with their soil, as on lean sand. Where sand is beautifully mixed with mold, the oak can indeed succeed, but it is then thought to produce less valuable timber. An exception to this rule has been noticed with respect to oaks grown on the sandy soil of the island of Oland, the timber of which is particularly strong; whereas oak timber grown on the good soil of Ömberg, East Gothland, has been poor. A moist situation is serviceable for the oak; yet dry situations are preferable to wet. Southerly slopes are not favorable growing-places.

The *oak plant* is, in most respects, more hardy than the beech, yet it suffers from frost, especially as its great need of light does not permit the leaving of enough seed-trees to exclude the frost, as their shade, during the necessary time, would do more damage than frost. After it has once been oppressed, the oak plant can with difficulty be restored.

Bestand.—The strong self-pruning which takes place in the clean-oak bestand, and which, singularly, in a less fertile soil appears very early, results in a continual deterioration of the soil, while the fallen leaves, containing sharp, concentrated matter, are neither serviceable to form a good mold. After such deterioration of the forest land has continued for a considerable period the soil becomes, by degrees, all the more impotent to raise oak forest, which must finally give place to a kind of trees which are easier satisfied. This accounts for the fact that oaks are no longer found on tracts that were once famed for their oak forests. As experience has shown that the oak, less than other trees, is able to retain the land at that grade of fertility which the tree itself requires, the rule has been adopted only to raise it in company with such sorts of trees as are able to supply the needed fertility.

The oak suffers slightly from storms, because its stem extends 7 or 8 feet into the ground, and has strong side-roots to give it a firm hold. A spot in some degree protected is, nevertheless, the more preferable growing-place for the plant.

Rotation period.—Under favorable circumstances, the oak is said to attain an age of six hundred or seven hundred years. On poor and shallow soil, however, it begins to decay at middle age. On suitable spots, its age should not be less than two hundred years.

Seed-setting.—In a close bestand the oak becomes seed-bearing at eighty to one hundred, and in thinner bestands at fifty to eighty years of age, and as a free or open-growing tree, in the twentieth to the thirtieth year. On a suitable growing-place the seed-year can be reckoned on every fifth or sixth year, but on a poor soil, or in a place otherwise unfit for the tree, the interval between the fruitful years is sometimes extended to fifteen to eighteen years.

2. Consumption and means of promoting regrowth.

Clean or naked clearing, accompanied with sowing or planting is the most useful manner of consumption for the oak. In consequence of the plant's persistent demand for protection, light, and free situation this species is difficult to be reared without considerable help of seeding or plating. Besides, only a few oak forests are now said to be left in Sweden of a character that can be relied on for thorough self-seeding. But as the bestands of these few show that self-seeding has been possible for the oak, at least on favorable spots for growing, the method of consumption with that object will here be described.

Felling, accompanied with seed-trees.—As in consequence of the weight of the acorn a tolerably close bestand of seed-oaks must be left standing, and also as the oak bestand is oftenest thinned by self-pruning, slashing, or the felling of a number at the same time, cannot be practiced unless the consumption occurs at the seed-year. The distance apart of the branches of the seed-trees ought in general to be 10 to 15 feet, which distance, in case heavy frosts or a high growth of grass are expected, may be still further diminished if necessary; wherewith one must observe that the seed-trees bestand does not become so close as to injure the plants by overshadowing. Clearing to admit light is done as easily as possible, say the second winter after locating the seed-trees, or when the plants are something over a year old. Frosty situation and grass-ground unite, nevertheless, to delay *light* clearing, still it would be equally unadvisable to postpone this beyond the third winter. After the felling to admit light, by which a good part of the seed-trees are taken off, the distance between the remaining tree-branches shall be 30 to 40 feet. Final felling can be done when the plants are four or five years old, but must be postponed one or two years where the plants, in consequence of the nature of the growing-place, are in need of long-continued, gradually diminishing protection, and where thus several fellings for light are needful. That

which oftenest causes delay in consumption is the state of the market for oak timber, and the greater or less demand there is for it, which circumstance may sometimes cause a delay of ten to twelve years between the placing of the seed-trees and final felling: suitable felling for admitting light occurring in the mean time in proportion as there is opportunity for selling timber.

What has been said with regard to the beech in respect to leaving a few of the finest trees here and there for still larger growth, and as to preparing the felling for receiving of the seed, and sowing or planting where regrowth is needed, applies in the main to the oak; to which may be added that satisfactory self-sowing may be counted on only exceptionally, and that a clean oak Bestand should not be sought for except that the endeavor on the other hand be directed to obtaining a suitable blending with other suitable sort of trees.

3. *Acorns.*

The bearing-year of the oak occurs on an average every seventh year. The acorn ripens earlier or later in October, according to the weather of the previous summer. The gathering is usually undertaken that month, but may be delayed until stronger frosts occur, after which the best acorns fall from the tree. Those which fall before are for the most part prematurely ripe, or worm-eaten. Should no frost hasten their falling, the acorns may be shook off by means of a pole, at the end of which two strong pins have been fixed half a foot apart to inclose the limbs. Acorns which, notwithstanding the shaking, do not drop, are unripe, and of less value. It is not proper to beat down the acorns from the twigs, as in that case the sort just mentioned are got. To collect them in a heap, a sail-cloth or carpet is spread under the branches. Unsound and insect-injured acorns should, as far as possible, be immediately separated from them. Many old oaks often have unsound seed.

After being gathered, the acorns are spread out on the floor, in a layer not exceeding half a foot in depth, where for a week they are daily stirred. They can then be heaped to the depth of an additional foot, after which the stirring is done every other or every third day. After being thus air-dried they are moved, in case they are not to be sown during the same autumn, to a place where they are to be kept over winter. Various means have been devised for preserving acorns. The most usual, and perhaps the most secure, is to deposit them in a dry place in the neighborhood of the dwelling on a half-a-foot-thick layer of straw, in a cone-shaped pile, to the height of five feet, formed by alternate layers half a foot deep, of acorns and dry leaves or moss. The axle of the cone may be made of twigs, tied together, (and placed upright,) which serves to carry away the moisture from the interior of the cone, whose exterior may be covered with long straw to keep off the rain. Several differences prevail with regard to covering: sometimes earth is shoveled over it, and sometimes it is covered with fir twigs or with boards. That part of the twig-ventilator which extends above the cone can be capped with a coil of straw or with a suitable earthen vessel. A ditch should be dug around the cone to keep off the wet and vermin. Larger quantities can be stored in rows of cones of the same height. * * * Lesser quantities can be kept over winter in sand or saw-dust. In general acorns do not retain their growing quality longer than till the spring after they are gathered.

Sound acorns should completely fill the shell, have yellowish white unspotted kernel, and milk-white sprout or bud. A cubic foot (Swedish) of acorns weighs from 30 to 35 pounds, and numbers, when the acorns are of medium size, six thousand to seven thousand.

[It appears that acorns are not liable to injury from frost after they are ripe. The crop of acorns on the large oaks in the vicinity of Stockholm were entirely spoiled by frost before they were ripe, in the latter part of September, 1871.]

4. *The sowing of acorns.*

Sowing is a proceeding requiring particular attention in the cultivation of the oak, especially if it is raised in any considerable number, which, however, should only exceptionally be the case, inasmuch as timber-land in general is only in a few places and of small extent of that quality required for the oak's full development.

To render the sowing successful, the ground should be loose or deeply mellow. Acorns are usually sown in the latter part of May, so that the plants, which at first are sensitive to frost, may not come up before the spring frosts can be regarded as past. On places somewhat elevated and dry the sowing can be done in the autumn, after the acorns have been gathered and air-dried. The earth-covering varies from 1 to 2 inches, the thinner being employed on stiff soil, and the deeper on loose soil, and where the plants would be liable to appear while there was danger of frost.

Broadcast sowing.—Owing to the fact that inventions in ship-building in later times have diminished the demand for oak timber, and that broad sowing of acorns requires to be on a field about as thoroughly prepared as for grain, also that experience has furnished unmistakable proof that the clean or exclusive oak Bestand is insufficient

to preserve the soil in that degree of fertility requisite for such trees, broad sowing is practiced only on smaller, and especially suitable, spots, or where blended with other bestands. In the southern part of the country it is preferable to blend the oak with the beech, and in the central part with the so-called Norway spruce. The ground ought to be such that it can, without too many obstacles, like grubs and the like, be worked to the requisite depth with plow or hoe. Afterward the acorns are sown, either as grain, in which case they obtain earth-covering by harrowing, and wherein 2 cubic feet (Swedish) of acorns are required per quadrat ref, (about one-fifth of an acre,) or are laid separately in a hole made by a two-pronged hoe. * * * * *

In the latter case, 1 cubic foot of acorns per quadrat ref is sufficient.

Sometimes the acorns are sowed in rows; the acorns being dropped 5 to 6 inches from each other in every third or fifth furrow, according as the hand who plows progresses, in which case, the earth-covering is effected by plowing the next furrow; or, it is sometimes done by means of holes made by a board form, (with a sort of milking-stool handle placed upon it,) the taps or tenons in the form being from 4 to 5 inches long and 6 to 7 inches apart, where one large or two small acorns are dropped. In the latter process, about one cubic foot of acorns per quadrat ref are sufficient.

In *row-sowing* only that portion of the ground which is actually sowed is plowed, namely, belts 3 to 5 feet broad, and 5 to 8 feet apart, according as a more considerable mixture of other sorts of trees is desired. The intermediate space then receives only such preparation as the kind of tree requires, whether raised by sowing or transplanting.

Sowing in squares of one-quarter of a square foot is used most for "help culture," or when the oak is to be mixed with other sorts of trees, but can also be used in raising the oak Bestand. In the latter case, the squares are hoed up to the size of at least two square feet, and at a distance from each other of 5 to 6 feet. For sowing, one cubic foot of acorns are calculated per quadrat ref. When in square sowing the earth needs to be mellowed to the depth of at least 6 inches, the process is regarded more as pit sowing, especially as earth-filling or hill-manuring is not seldom needed for the oak. A handful of such filling is required for every quadrat foot of the square's extent.

Piece sowing is on soil naturally loose, and not troubled by a strong growth of grass, and is a method of cultivating the oak, which, considering its little expense, and in comparison therewith, satisfactory results, should obtain an extensive practice. In making the hole, which should be 2 to 2½ inches deep, the "sitt"-stick, "sitt" augur, and "sätt" hammer are used. One or two acorns, according to their size, and, from previous experience, growing capacity, are dropped in each of the holes, which are at a distance of 2 to 3 feet, dependent on how little or large will be the mixture of other sorts of trees. The hole can also be made with a hoe, wherewith a strong blow is sufficient. For piece sowing, a half to two-thirds of a cubic foot of acorns are required per quadrat ref, or fifth of an acre.

5. *Transplanting of the oak.*

As, from what has been seen, the oak does not admit in general of being raised in separate masses or clean Bestand, nor, on account of its demand for good soil, in very large connected tracts. *Transplanting* is a method of rearing only exceptionally used. Nevertheless it may be practiced with success where the oak is cultivated on a somewhat large scale in situations protected from frost.

The oak may be transplanted from three to four years of age up to the time it has attained a height of 15 feet. But it has been found that the setting of smaller plants and young trees of ½ to 1 inch in diameter succeeds better than the setting of medium sized five to eight year plants. These latter have, in proportion to the size of the plant, a less number of roots. Sometimes wild-growing young trees can be removed. These are, however, never so good as those reared in the plant-school, as their widely extended roots are considerably injured in taking up, which again occasions a considerable trimming of the branches; the top itself sometimes requiring to be taken off. Such rough usage, of course, injures their future growth. Plants are reared, therefore, rather in the school. For preventing a too strong development of the tap or center root, and to avoid as far as possible the cutting of the same, it has been sought to have only a shallow layer of pulverized earth in the bed of the plant when it is to be transplanted earlier than the third or fourth year of its age. It often occurs, however, that the root shoots down so deep that it must be cut off. Therefore, as this manner of incompletely preparing the ground does not accomplish the desired object, but on the contrary obstructs the natural development of the plant, it is not to be recommended.

A method of oak culture to employ in order to facilitate the transplanting and to avoid the difficulty of transferring from the fresh bed to an intermediate one, is to drop the acorns so far apart that the plants can for a longer time continue to grow at their original distance; in which case the tap-root is severed by means of a sharp spade two years before the transplanting occurs, so that the sucker roots about the cutting may be formed by the time the plants are taken up. The branches are likewise to be somewhat shortened at the same time. Although this proceeding sometimes succeeds

it must nevertheless be regarded as rather hazardous where one has not the means to know immediately how much of the root has been taken off, and thereby to determine how much the branches should be clipped. On the contrary "omskolning" or the transferring of the plant from its first to an intermediate bed, should be recommended for general practice because it, in a less violent manner, prevents too great lengthening of the root and contributes more powerfully to the shooting out of small or sucker roots.

The transplanting of shoots is very expensive as well in consequence of the more troublesome taking up as the increased labor, both of digging and arranging the plant-hills, without even the setting out; in respect to which last, if it is done with requisite care, every shoot should have a little earth-hill, which occasionally ought to be hoed or stirred up. If wild-growing shoots are used the expense is increased exceedingly through the difficulty of digging up; in doing of which one must often use specially constructed light and sharp spades in order to cut off the extended roots. The transplanting of large shoots occurs only in pasture-ground or where strong frosts are to be feared.

In other cases younger plants three to four years old are used, but only exceptionally, with clumps of earth, partly because the oak can be planted very well without, and partly because it is difficult to take up such clumps of earth of the requisite depth. As a well-pulverized earth especially contributes to the growth and success of the plants they are for the most part set in hills. If the earth has been pulverized for a year or two before, either by cultivation for root or garden crops, or by deep spading on spots intended for plants, even tenderer plants can set out, if not too bushy, with the "sätt iron" or wedge-spade.

For hill planting the young plants are not clipped at all, at least as little as possible, as the cutting necessarily injures them. If the tap-root is longer than can be set in the hill without cutting, it is better for the progress of the plant to make a hole for it in the bottom of the hill, by a pointed staff. Where filling earth is required to improve the ground it is used.

Whether larger or smaller plants are used it is important they are not set too deep. On the contrary one has nothing to fear from a shallow transplanting; yet the earth, especially if it is hard, should be well and deeply pulverized so that even smaller, three to four years' old plants, may obtain a foot of loose earth for the outspreading of their roots.

In oak culture it is particularly material to blend the bestand in a desirable manner, and therefore to transplant other sorts of trees, which, better than the oak, contribute to the fertility of the ground between the rows of oaks. That beech and spruce are most suitable for this object has already been stated; yet other sorts of trees can be employed. But one must observe not to select such kinds of trees that will grow so as to overshadow and crowd the oak, or at least see that these latter may obtain a suitable seed career, and that all such trees whose near standing is disadvantageous to the oak limbs are afterward cut away.

Transplanting in the spring is most suitable to the oak, but on higher situations, free from frost, it may be done in the autumn. Smaller plants obtain four feet between distance when transplanted in squares; in rows three feet, with from 6 to 8 to 12 to 16 feet between rows, depending on the need of the soil for other sorts of trees. Larger shoots, which for the most part are set out in quadrat form, obtain a distance of 9 to 10 feet. On pasture-land the between distance is 16 to 24 feet, according as regard is had to obtaining timber or pasture. In low forests where stump plants are used with advantage these are set out at three to four years of age, at a distance of 7 to 8 feet.

6. The larch.

The larch, which in later times has been introduced into Sweden, has yet nowhere been able to come to maturity and for consumption as a bestand.

To give it a vigorous growth requires a good clay mixed and tolerably deep sand soil, and it thrives best in a moist situation. Better, however, on dry soil than wet or sour, which latter the larch cannot at all tolerate. The plant has greater need of light than the pine, and can sooner be freed from shading.

The bestand of larch should be protected from strong wind; but it suffers less from windfalls than other species of fir trees, because of its deep roots and that its foliage falls before the heaviest storms usually occur. During the first forty to sixty years it grows rapidly, and improves the ground through its yearly falling and easy-molding leaves. After this time a strong self-pruning begins, whereby the bestand grows thin and the ground deteriorates. Like other sorts of trees which are oppressed by a strong self-pruning, the larch ought not to be reared in clean bestand, but in mixture with the kinds of trees which maintain the bestand closed, so that the larch tree by this may be able, without causing any trouble to the soil, to be left to grow to higher age, when the timber first acquires a remarkable quality, namely, to withstand rotting better than most other kinds of timber. Middle-aged and young larch trees produce, on the contrary, very indifferent timber.

Rotation period.—Within its native Alp regions the larch can attain an age of six hundred years. In Sweden, and in other countries where it has been introduced, one hundred and fifty to two hundred years should be the highest age it can reach, in which case one hundred and twenty to one hundred and forty years is the most suitable period of rotation. On an unsuitable growing-place, it sometimes attains an age of only forty to fifty years.

Seed-setting.—The larch often bears seed copiously, though only a smaller part are sound. At eight to ten years of age the tree has cones, but fruitful seeds ought not to be expected at a younger age than twenty years.

7. The beech.

The soil in which the *beech* best thrives is a rich and strong loam sand, mixed clay soil, or clay-mixed sand soil, in which latter the sand should not too much predominate. Intermixture of round stones seems to be advantageous. Situation moist, but better dry than wet. The *plant* is in a high degree sensitive to frost and requires protection.

The bestand.—Among all the sorts of trees found in our forests, there is none which can be compared to the beech in respect to its quality of improving the ground. Here-to, the numerous tree-crowns, free from acid matter, contribute, as well as the easy-molding leaves. The beech is also the only one of our usual leaf-trees which, without injury to the ground, can be cultivated in clean or exclusive bestand.

Rotation-period.—On a suitable growing-place, the beech attains an age of two hundred and fifty to three hundred years. The bearing-years occur, on an average, every seven to eight years. The seed-year may be observed the autumn before, by the presence of numerous flower-buds, which are larger and plumper than leaf-buds.

8. The pine.

The *pine* occurs on soil of the most unlike quality, and in the most different situations, from the dry sand heath to the low moss where every other kind of tree is excluded. A deep and pulverized sand-soil, rich in loam and with an inconsiderable mixture of clay in moist situation, is, nevertheless, the soil whereon the pine develops the strongest growth.

The *plant* experiences no injury from frost, and only during the first two years appears to suffer from the effects of drought. Grass-growing is injurious to them, but in a less degree than to other fir-trees. As long as the bestand is closed it continues to improve the ground by its rich offal; but after the bestand becomes thin and leaves the ground without sufficient protection, the relation so changes that the pine does not prevent a gradual deterioration of the soil. Where the latter is naturally poor, a self-pruning, which thins the bestand, begins earlier.

Rotation period.—In the northerly parts of the country two hundred, and on poorer ground three hundred, years are requisite for the pine to grow to good timber. In the southerly tracts one hundred years are sufficient. Free or open growing pine produces seed at fifteen to twenty years of age. But in close bestand it does not bear seed till the age of fifty to seventy years, after which every fourth year, on an average, can be reckoned on for seed. As the pine cones require about eighteen months to ripen, and the seed does not fall sooner than five to six months afterward, there is, therefore, discerned a coming seed-year already half another year before, by the yet small half-year-old cones.

Felling, with seed-trees.—Where the ground is favorable for the reception of seed, six to seven older, healthy-seed-bearing trees should be left to each quarter of an acre. Where the ground is covered with grass, or slopes to the south, or is unusually bare, seed-trees should be left so that the cones shall not be more than about sixteen feet from each other.

Seed.—The seed of the pine is in closed cones, ripens in the latter part of October, the year next after blooming, and can be gathered from the beginning of November to the beginning of April. As has before been stated, cones of three different ages are often found on the same tree, namely, those that have opened and discharged the seed, those that are two years old, and those that are one year old. The proper ones can be distinguished from the rest without difficulty. They have a conic form, brownish-gray color, close-shutting shell, are from one to one and a half inch in length, and are fixed near the base of the last year's cones. The one-year-old cones have their place at the end of the bud or twig, are round and of greenish color. Empty cones have extended shell, and are of a grayish-brown color. When gathered, cones should be preserved in a place free from dampness. If desired they may be kept unshelled a year, but should be protected from the sun and from air-currents. To facilitate opening of the burrs a certain degree of warmth is required, the best being from the sun. Degree of warmth 42° to 43° Celsius, sometimes 50°. Cones collected late in the winter do not require more than eight to twelve hours warmth of such degree as first mentioned; earlier

ones a day. * * * When the seeds leave the cone they have film-like oblong wings, one end of which incloses the seed. * * * A pine cone contains twenty to thirty seeds. * * * In purchasing them one must see that the weight has not been increased by being made damp for that purpose, as such treatment injures them; also that they have not been warmed in an oven, the heat in such cases often being too great. Seven hundred good seeds make an ort, Swedish weight, (a little less than a hundredth part of a pound.) A kauna of clean wingless seeds weighs 2.8 skålpunda.

9. *The blending of trees.*

The bestand of pine and spruce is incomparably the most important for Swedish forests. The spruce, which, at a higher age, affords sufficient shade for the ground and thereby maintains its fertility, compensates for what in this respect is lacking in the clean pine bestand, while the pine, on its part, "kernel full" or vigorous stems, supplies that want of exterior hardihood which is observable in the exclusively spruce bestand.

The bestand of *fir trees*, especially pine and spruce, with the *birch*, is a blending which is not difficult to effect, and merits much attention, especially as the birch in such society acquires finer form of stem and larger size than when it grows alone. * * * But as the birch does not preserve the fertility of the ground, it should not be the prevailing sort.

The bestand of *fir* and *beech* occurs in the southern part of the kingdom, with the beech sometimes the prevailing sort.

10. *Bestand of beech and oak.*

This blending, especially for the oak, is of the greatest importance, because no sort of tree contributes so powerfully as the beech to maintain the soil at the degree of fertility which is requisite for the oak. This blending occurs in the south part of the country, where the climate is adapted to the beech; but in that part north of where the beech flourishes the blending of the oak with fir trees is practiced, particular regard being paid to the selection of proper spots for the oak. * * * With the beech the oak shows a growth not to be seen under other circumstances.

The above, though perhaps imperfect, translations from Mr. Björkman's treatise will tend to show something of its practical character.

VIII.—INSTRUCTION IN FORESTRY.—(See *ante*, sec. 111, § 3.)

The principal institution in Sweden for instruction in forestry is the Royal Forest Institute, at Stockholm. It is pleasantly situated on a rise of ground in a grove close to the bridge as one turns from the city to enter the Deer Park. The course of study occupies two years, and the first term begins in June. Tuition is free. Candidates for admission must have sound health, be neither under eighteen nor over twenty-eight years of age, and must have passed an examination such as admits to the university, which includes a knowledge of the German language, and either the English or French. Among the studies pursued are the classification and division of forest, forest culture, and the quality of timber, forest technology, climate and soil, forest botany, forest insects, art of hunting, mathematics, forest and game laws, map-drawing, &c. Four pupils receive from the State a stipend, as assistance, of 250 rix-dollars each, per year. Graduates are regarded as members of the forest "stat" or establishment, and are in the line of promotion therein; their first appointment being that of assistant forester, which is generally received immediately after graduation and opens the way to their earning about 600 rix-dollars a year in surveying and other work connected with forest. In ten years they can be promoted to "Jäg mästare," or forester. Above this last office is the position of forest inspector which has been created for three or four years. 15,300 rix-dollars are annually appropriated for the support of the institute. There are four active instructors, namely, the director and three "lektors," or teachers.

Forest schools.—Besides the institute there are, in Sweden, six forest schools which are principally supported by the government and located at the following places: Tierje, Upsala County; Ombergs, Östergötland County; Böda, Calmar County; Daniels Landa, Christianstad County; Hunneberg, Elfsborg County; and Silbre, Wester Norrland County. Tuition at the forest schools is free, and besides ten pupils at each school receive board and lodging free. The course of study lasts eight months. Some knowledge of the common branches taught in the folk-schools is all that is required for admittance. A graduate of a forest school can be employed as a forest watchman at about 300 rix-dollars per year and use of a dwelling and patch of ground. The studies are mentioned in the accompanying translation of regulations in regard to the forest schools. The government offers to help support additional schools where local authorities take the initiatory steps to establish them. From the report of 1857, it appears that 21,850 pupils in the "folk" or common schools received instruction in horticulture and tree-planting. Among the prominent schools of forestry in Europe is one at Thar-

rand, in Saxony, one at Neustadt-Eberswalde, in Prussia, one at Aschaffenberg, in Bavaria, one at Nancy, in France, and one at Mariaborum, near Vienna.

In Sweden it is the practice in every branch of the public service and department of instruction to allow money for the traveling expenses of persons sent abroad to obtain information; and sums varying from 500 rix-dollars to 1,200 rix-dollars are often granted for traveling in foreign countries on forest purposes.

IX.—FOREST LITERATURE.

Having in another part of this report mentioned some of the Swedish authors on forestry, I will now refer to some other works and documents which merit the attention of people who are interested in forest culture in the United States.

A short but practical article on the *culture and management of forest trees*, by J. J. Thomas, is published in the annual report of the Department of Agriculture for 1864.

An article entitled *American Forests; their destruction and preservation*, by F. Starr, jr., may be found in the annual report of the Department of Agriculture for 1865.

The report of the Department of Agriculture for 1870 also contains an interesting paper on the subject of forests.

Field, Forest and Garden Botany, by Professor Gray, of Harvard University, is undoubtedly very useful as a hand-book, and for elementary instruction.

The North American Sylva, by F. Andrew Michaux, with notes by J. Jay Smith, 3 volumes, Philadelphia, Rice, Rutter & Co., 1865. The father of the author, a Frenchman, devoted ten years, from 1785 to 1796, to a thorough exploration of the territory of the United States, accompanied by his son. The latter revisited the country in 1801, and again in 1807, making extensive researches, the result of which was published in Paris 1810-1813, with rich copper-plate engravings. The work was translated into English by Hillhouse, and printed in that language at Paris, 1819. The second English edition was brought out at New Harmony, Indiana, partly through the efforts of William McClare. The present edition of 1865, in three large octavo volumes, contains the original illustrations beautifully colored, and deserves a place in every public library.

The North American Sylva, or a description of the forest trees of the United States, Canada and Nova Scotia, not published in the work of F. Andrew Michaux, illustrated by 121 colored plates, by Thomas Nuttall, three volumes in two, Philadelphia; Rice & Hart, 1857. The author of this work visited the United States in 1823, and remained several years making explorations. A standard authority.

The Trees and Shrubs of Britain, by J. C. Loudon, in eight volumes, second edition, London, Henry G. Bohn, 1854. In this work native and foreign trees are pictorially and botanically delineated and scientifically and popularly described, with their propagation, culture, management and uses in the arts, in useful and ornamental plantations, and in landscape gardening. The introductory chapters contain a historical and geographical outline of the trees and shrubs of temperate climates throughout the world. The first four volumes contain the text, with above 2,500 engravings. The other four volumes are devoted to portraits of trees on octavo and quarto plates. The work contains a mine of information in regard to trees, very much of which would be highly entertaining to the general reader. It was first published in 1838, and the author cites upward of two thousand works referred to therein, which shows the voluminous character of forest literature even then. I venture to quote here a brief passage from his introductory chapter on the *Inducements for tree planting*:

"Many persons, when recommended to plant, reply: 'Of what use is it to plant at my age? I can never hope to live to see my plants become trees.' This sort of answer does not, at first sight, appear surprising, if we suppose it to come from a person of sixty or seventy years of age, but we often hear it even from men of thirty or forty. In either case, such an answer is the result of error, founded on mistaken and prejudiced notions. We shall prove its incorrectness by matters of fact. In the year 1830 there were many sorts of trees in the arboretum of Messrs. Loddiges, which had been planted exactly ten years, and each of which exceeded 30 feet in height. Most of these trees have since been cut down for want of room, but we have the names and the measurement of the whole of them. There are, also, at the present time (December, 1834) many trees in the arboretum of the Loudon Horticultural Society's garden, at Chiswick, which have been only ten years planted, and which are between 30 feet and 40 feet in height. Why, then, should any one, even of seventy years of age, assign as a reason for declining planting that he cannot hope to live to see his plants become trees? A tree 30 feet high, practically speaking, will effect all the general purposes for which trees are planted; it will afford shelter and shade, display individual beauty and character, and confer expression on landscape scenery." (Introduction, p. 9.)

The Forester, or a practical treatise on the planting, rearing, and general management of forest trees. By James Brown, wood-surveyor, and nursery-man. Stirling; fourth edition, enlarged and improved. William Blackwood & Sons, Edinburgh and London: 1871. Large octavo; pages 335. Undoubtedly the best work on the subject in the English language.

This author states that, within the last twenty years, he has sent out a very large number of foresters to situations, at salaries varying from £350 to £800 per year. He laments that there is not a school in Great Britain, where young men can learn efficiently all the branches of study in connection with forestry, and gives the following advice as to the way in which a self-supporting institution for the purpose may be established: "Let an arboricultural association be formed of some of the leading landed proprietors in the country, with a few men of science among them, having for their object the cultivation of trees on the most approved and improved principles of the age, and the training up of young men as foresters according to these principles, in order to fill the places of the existing foresters of the old school, and thus as early as possible bring about an improved state of arboriculture for the general welfare of the country.

"Then, supposing that such an association were formed, where and how is the field of their operations to be had? Of course they could not undertake anything in a definite and practical way in respect to forestry without this. Such a field may easily be had, as there are many lauded proprietors in this country who have more estates than one, and who would be willing, I have no doubt, to give over the woodlands on one of them for the purpose of forming an arboricultural school of it, of course under safe and proper conditions to both parties. The outline of the conditions might be made somewhat as follows: The proprietor, R. F., lets to the association ———, for a period of, say forty years from date, all the woodlands at present on the estate of A., extending to about 2,000 acres, as per plan of the property to be referred to, at an annual rent of £——. The several crops embraced to be thinned, and otherwise dealt with for their improvement in health and value by the said association, and according to a mode to be proposed by them and approved of by the said R. F., the proprietor, who is to sell the timber and other produce for his own behoof, the association to be paid by him for the labor performed by them in dealing with the works of thinning and otherwise improving the crops, as may be agreed upon, all at the usual rates for such works; these to be agreed on between the association and the said proprietor's agent at the beginning of each year, and before the works commence for the season. And the said R. F., the proprietor, lets also to the said association, for the said period of forty years for the purpose of being planted by them from time to time with suitable kinds of trees, as may be agreed on between the parties, that piece of waste land known as ———, and extending to 1,800 acres, at the annual rent of £——. This portion of land is let to the association on the understanding that, at the end of their lease, the said R. F., the proprietor, shall take over all the crops that shall then be found growing on it, at a valuation to be settled by two neutral men of skill, mutually chosen, when the said R. F., or his heirs, will pay the association the full value that may then be made in respect to the crops of trees that may have been planted by them on said land. And it is to be understood that during the currency of the lease the said association shall have full power to manage the woods they may plant on said waste land in their own way and as they may think fit, and to use for their own behoof all proceeds arising from them: it being understood, however, that all the crops they may plant shall be properly treated and trained, so as to insure their being valuable to the estate as a crop on the land, when they are handed over to the proprietor of the land at the end of the lease. And it is also agreed that the said association shall have no power to clear any portion of said crops of trees they may plant, nor any portion of any crops whatever, without the consent of the proprietor of the land.

"A president and vice-presidents, with directors, would have to be appointed, as also a secretary, a treasurer, and auditor. Next, the working-resident staff might be a manager, who would be accountable to the president and directors for the proper working of the objects of the association. He would be assisted by a professor of botany and vegetable physiology, and one of geology and chemistry, the latter combining physical geography and climatic science; while he, the manager, would also have the assistance of a first-class practical forester, whose duties would be to carry out all the practical operations, under the directions of the manager, in dealing with the woods, and at the same time instruct and guide the pupils while at their various works in the woods.

"To accommodate a staff of this kind, together with, say fifty or sixty pupils, a convenient house would require to be provided, and as to whether the pupils would be resident in it or not, would of course depend on a careful consideration of all the circumstances in connection with the locality in which the field was situated. At all events, one-half of the pupils would require to attend at a given hour every morning to hear lectures and other instructions on the subjects to be taught by the professors while the other half would go out to work in the woods. These would return in the afternoon to get their course of instructions, while those who were studying in the morning would go out and take their places in the woods; and in this way the routine of daily theoretical and practical instructions would be carried on. Of course a portion of the waste land would be taken up for planting every year, in order to have the young men trained to the proper way of doing it, as also thinning in the different plantations, with

bark-stripping, pruning, where necessary, draining, &c. In short, all these branches of work would be undertaken every year on some portion of the crops; and as all the works would be performed by the pupils themselves, under the direction of the forester, every one would have the full opportunity of gaining practical experience, as well as theoretical knowledge, on the various branches of forestry. And it would be necessary to keep all the woods under the management of the association in the very best possible condition, so that their character might become a model for all others to imitate. And, besides, it would be desirable for the manager and his professors to visit, from time to time, the woods on other properties, and take with them their pupils to see them, when they would have an opportunity of comparing the management of other woods with that of those on their home district; and in this way the pupils would get much useful information and experience, within the shortest possible time, under the guidance of their teachers, and thus render them more intelligent and experienced than they would be were their observations confined to the woods on the home field alone.

"In dealing with the pupils, the amount of fees they would pay would, of course, depend upon whether they were lodged in the institution or not, and had bed and board provided for them. I should say that they should be resident in the institution, and all receive like treatment as to education, board, and lodging. If they were not resident lodgers, irregularity would be certain to ensue, and want of proper rule. Then, if lodged, £50 a year might be a fair charge for each pupil. At all events, it should not exceed this sum. In accounting with the pupils, they ought to have put to their credit and deducted from their fees at the end of each term, when settlement is made, the value of the work they perform in the woods, at a fixed rate per hour or per day, as may be arranged. This would make them more industrious than they otherwise would be, and make them take good interest in the works they were engaged in. This value of work would, of course, be refunded to the association by their account against the proprietor of the woods for the work performed in them by their pupils.

"In order that the pupils might be properly instructed in all the branches bearing on arboriculture, and to secure the professors and all concerned doing their duties, an examination of the progress made by the pupils should be made by the president and directors at the end of every six months, and awards put to the credit of the most proficient and deserving.

"As the young men become proficient in all the branches, (after three years' residence at the institution,) theoretical and practical, of forestry, and leave the institution, they should have each his certificate or diploma, stating his general acquirements and abilities, and whether he is *first*, *second*, or *third* class in his profession. These certificates should, of course, be given by the president and directors, and signed also by the professors; and they should form a guarantee to lauded proprietors who might be in want of foresters that the holders are men of undoubted professional abilities, and worthy of being trusted with the management of their woods." (Pp. 43-47.)

The following are some of the recent standard German publications:

Säen und Planzen. Ein Beitrag zur Holzzerziehung. Von Forstdirector H. Burckhardt. Dritte Auflage, Hannover, 1867.

Das Forst Kulturewesen nach. Theorie und Erfahrung. Von Joh. Phil. Ernst Ludwig Jäger. Zweite Auflage, Marburg, 1865.

Der Waldhan oder die Forst Productenzucht. Von Dr. Carl Heyer. Zweite Auflage. Leipzig, 1864.

Der Wald Seine Verjüngung, Pflege und Benntzung Von E. Landost. Zurich, 1866.

Besides the works in Swedish already mentioned, are the following:

Handledning vid Skogars Indlening till ordnard hushällning, &c., of J. A. of Zellén, (with colored map.) Stockholm, 1869.

Vägledning i Skogshus hallning med en karta of Isr Ström, Upsala.

Handledning för Skogs hushällare i Finland of C. W. Gyldén. Helsingfors, 1853.

X.—LIST OF SOME OF THE MORE RAPID-GROWING TREES.

What is given under this head is compiled principally from the works of Michaux, London, and Brown.

Black Italian poplar (Populus aledesca.)—Grown on strong loamy soil, and sheltered situation, will in twelve years attain a height of 40 feet, with diameter of stem of nearly a foot. In England it has of late years been substituted for the cottonwood.

Ontario poplar (Populus macrophylla.)—Worthy of cultivation as a timber tree, especially on the sides of streams with a shallow soil; easily distinguished by its large heart-shaped leaves, some of which measure 10 inches from base to apex, and gummy and, in the spring, balsamic smelling buds. It has been found to attain the height of 50 feet in fourteen years. Said to be a native of New Hampshire. Easily propagated by cuttings.

The *cottonwood* (Canadian poplar) has in Europe attained the height of 50 feet ten years after planted, and is considered the best of all poplars for planting when the production of timber for profit is the object.

The *Lombardy poplar* is easily distinguished by its tall, narrow form; thrives on tolerably good soil, and attains largest size in proximity to water. A tree near Brussels is mentioned which in fifteen years attained the height of 80 feet, with a trunk from 7 to 8 feet in circumference.

The *sycamore* (called also plane and buttonwood) flourishes best in a deep, loose, rich soil, in a cool, moist situation. When placed near water its growth is so rapid that in ten years it will attain the height of 40 feet, and in twenty years 80 feet, with a trunk 8 feet in circumference at three feet from the ground.

The *elm* grows rapidly in almost any soil or situation. Instances are given of trees attaining the height of 50 feet after fourteen years planted.

The *willow* (*Salix alba*) will grow to the height of 60 feet to 80 feet in twenty years, and thrives in dry uplands. This is also the most rapid-growing native tree of Sweden.

The *sugar-maple*, in rich, strong, sandy loam, has attained the height of 24 feet six years after being planted.

The *locust* requires a sandy loam, rich rather than poor, and a situation at once airy and sheltered. It is objectionable for hedge-rows or as scattered groups on arable land, on account of its roots extending close under the surface, and proving an impediment to the plow, and sending up suckers. It is a rapid-growing tree, and esteemed for fuel and timber. Plants in ten years from the seed attain a height of from 20 to 30 feet, or even 40 feet. Propagated with facility by cuttings of the roots, but the best mode is by seed.

The *European larch* is one of the most valuable species on account of its rapid progress and excellent timber. It requires a soil deep and porous, and is found in its perfection in its native localities, the Alps, on a soil formed from the natural decomposition of rocks. It should be reared from seed from its native localities. In England it attains the height of 20 to 25 feet in ten years from the seed. In the course of fifty years it will attain the height of 80 feet or upward. At ten years of age, on favorable soil and site, it is found to attain a diameter of 2 inches 8 feet from the ground; in fifteen years a diameter of 5 inches; in twenty years 9 inches; in twenty-five years 11 inches. (On favorable soil and site in Scotland, at twenty years of age, and 8 feet from the ground, the oak attains a diameter of 4½ inches, the pine 6½ inches, the spruce 7 inches, the sycamore 5½ inches.)

The *Norway spruce* is the loftiest of European trees, attaining a height in some cases of 180 feet. On old trees the branches are gracefully drooping. Leaves are dark green. It grows most luxuriantly in deep loams and low, somewhat moist situations, or on acclivities with a northeast aspect and a moist, sandy soil. It is one of the best nurses for other trees. In ten years from the seed the plants will attain the height of 12 to 15 feet, and in fifty years the height of 90 to 100 feet. The wood is light, fine-grained, elastic, and varies in durability according to the soil on which it has grown.

C. C. ANDREWS.

LEGATION OF THE UNITED STATES,
Stockholm, August 5, 1872.

SWITZERLAND.

No. 443.

Mr. Rublee to Mr. Fish.

No. 106.]

LEGATION OF THE UNITED STATES,
Berne, September 13, 1872. (Received October 11.)

SIR: In response to an invitation of the President and federal council of Switzerland, the members of the tribunal of arbitration, with the exception of Sir Alexander Cockburn, and most of the other persons connected with the tribunal, arrived here on the evening of Wednesday, the 11th instant, and were received, at 5 o'clock p. m., by the President at the federal palace.

Yesterday morning, accompanied by the President and two other

members of the federal council, they proceeded, by a special train, to Interlaken and breakfasted there, returning to Berne in the afternoon. A grand dinner was given in the evening by the federal council at the Bernerhof, to which the chiefs of the several legations here and some prominent Swiss citizens were invited.

The only speeches made at the dinner were by the President of Switzerland and by Count Sclopis, president of the tribunal of arbitration, in response thereto. I transmit herewith a translation of their remarks.

I am, &c.,

HORACE RUBLEE.

[Translation.]

Mr. Welti, President of the Swiss Confederation, said :

"The festival which you honor by your presence is associated with a work whose importance corresponds to that of the incidents which gave rise to it. The governments of two great nations, animated by that moral courage which resists the prejudices and the excesses of public opinion, and inspired by the noble idea of withdrawing the solution of serious differences which had arisen between them from the blind arbitrage of force, have established a precedent which marks an essential progress in the political relations of nations. This precedent, while it does not do away with war, will diminish the occasions of war, and materially increase the responsibility of those who dare to undertake it without previously attempting a solution such as has just been so fortunately accomplished at Geneva by the tribunal of arbitration.

"It is not necessary that I should state how happy Switzerland feels herself, not only in being chosen as the place for the meeting of that tribunal, but in having been honored with the confidence of having one of her citizens associated with the great men who constituted it.

"The circumstance that Geneva should, for the second time, be selected as the cradle for weighty and salutary innovations in the law of nations, fills us with lively joy and satisfaction. These are innovations which the civilized world warmly welcomes.

"The formation of an international telegraphic administration, extending over most of the countries of the earth, in conjunction with these occurrences, can hardly be regarded as a mere accident. It will rather be allowed us to conjecture that an inner connection exists between these facts and our general political situation.

"It is certainly with us a cherished idea to believe that the existence of our little Swiss republic is not only a necessity for ourselves, to the development and maintenance of which we will constantly dedicate all our strength, but that, still more, it responds to an actual need of the general political system.

"You, Messrs. Arbitrators, have inspired me with this idea, you, who by your knowledge and judicial discrimination have brought the pacific aims of the governments to so happy a conclusion. Permit me, Mr. President and members of the tribunal of arbitration, and all who have taken part in this great work, to offer you the heartiest congratulations of the federal council, and to drain my glass to your health."

Count Sclopis, president of the tribunal of arbitration, responded as follows :

"MR. PRESIDENT AND MEMBERS OF THE FEDERAL COUNCIL: I have more than once asked myself why the treaty of Washington, to which the tribunal of arbitration owes its existence, provided that we should assemble in Switzerland. I discovered directly the reason : it was designed to place us amid the most favorable circumstances for the performance of our duty.

"The land of the most assured and settled liberty was chosen, where order and security reign, and where the traditions of a beautiful past serve for the foundation of the present and the guarantee of the future of your republic. We were to occupy ourselves seriously with principles and questions of international law, and for this purpose, what better place could have been selected than here, where recently the rights and the duties of neutrality have been so admirably maintained and defended? Switzerland, with one hand grasping the sword, held the other open for the alleviation of misfortune, and has deserved well of Europe. At a time when the sentiment of nationality was not yet so fully aroused as at present, those soldiers were sought here whose valor and fidelity were proverbial. Since then, you have wisely resolved that the blood of your fellow-citizens shall only be shed for the fatherland—for that fatherland which has condensed the principle of its unity, the community of interests of all its children in the device, 'One for all, all for one.'

"In complying with the invitation with which you have honored us, we have had an opportunity of seeing a beautiful part of your country. Everywhere we find the evi-

dences of a generally diffused prosperity. Agriculture, that foundation of a people's wealth, manufactures, availing themselves of all the advances in the sciences and arts flourish simultaneously in Switzerland, notwithstanding the obstacles which nature seems to have placed in their way. Railways intersect your territory, and bring to you myriads of strangers, who find here agreeable and salutary relaxation and a cordial welcome.

"But the hospitality which you, Mr. President and members of the federal council, extend to us to-day, has an especial character; you desire to manifest to us, in the most striking manner, the interest you have taken in our labors. You associate yourselves with us, in the desire that the efficacy of our exertions may extend everywhere through the power of example. When, in the future, our work is judged, when it has borne good fruits, you will find a satisfaction in saying, 'This occurred in Switzerland.'

"Accept, Mr. President and members of the federal council, the expression of our warm, respectful, and sincere thanks, and permit me to give as a toast, 'The prosperity of Switzerland.'"

No. 444.

Mr. Fish to Mr. Rublee.

No. 92.]

DEPARTMENT OF STATE,
Washington, October 10, 1872.

SIR: You are already aware that the tribunal of arbitration, appointed agreeably to the provisions of the treaty of Washington of 8th May, 1871, concluded its deliberations and pronounced its final decision at Geneva on the 14th ultimo.

The tribunal was composed of five members, two appointed by the governments immediately interested in the questions submitted for its consideration, and three named respectively by the President of the Swiss Confederation, the King of Italy, and the Emperor of Brazil.

Dispatches this day received at this Department contain the record of the closing proceedings of the tribunal and its award. These dispatches bear witness to the industry and the high qualities with which the arbitrators pursued the investigation which was devolved upon them.

The President appreciates most highly the obligation of the United States, in common with Great Britain, to the friendly governments which have rendered assistance in the determination of the grave international questions that were at issue. This obligation has been enhanced by the high character and elevated positions of the eminent gentlemen named as arbitrators by those governments. The learning, the industry, the ability, and impartiality which these gentlemen have displayed have made a profound impression upon the President, and have not only contributed in an essential degree to the satisfactory conclusion of the pending questions in which two governments were interested, but must have a powerful effect in commending the principle of arbitration to the attention of the civilized world as an effective method of adjusting many international disputes hereafter.

You are instructed to make known to the government of the Swiss Confederation this expression of the appreciation by the President of the friendly act of the President of that Confederation in naming one of the arbitrators, and of the high character and eminent services of the arbitrator thus named by him.

To the federal council of Switzerland the United States are also indebted for the hospitality with which the tribunal of arbitration, before which the United States were a party, has been received within the territory of the republic, for many hospitable and liberal courtesies extended to the agents and counsel of this Government.

To the government of Geneva the President desires to express his grateful appreciation of their voluntarily placing the hall of the Hotel de Ville of the city of Geneva at the disposition of the tribunal for its sittings, and for the courtesy of the authorities and of the citizens of that beautiful city and canton, extended to those who represented the interests of this Government in connection with the tribunal, and for the reception for preservation among their own archives of the archives of the tribunal. The President requests that the minister for foreign affairs will kindly convey to the Honorable Mr. Stämpfli his thanks, and will communicate to him the opinion entertained by the President of his character and services as one of the arbitrators; and to the federal council and to the government of Geneva the sentiments which are above expressed; and to Mr. Favrot his appreciation of the able manner in which he discharged the arduous and important duties of secretary to the tribunal.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 445.

Mr. Rublee to Mr. Fish.

No. 109.]

LEGATION OF THE UNITED STATES,
Berne, November 4, 1872.

SIR: I have the honor to acknowledge the receipt, on the 1st instant, of your dispatch, No. 92, of October 10, instructing me to communicate to the government of the Swiss Confederation the expression of the grateful appreciation, by the President of the United States, of the friendly act of the President of that confederation in naming one of the members of the tribunal of arbitration for the settlement of the Alabama claims, and of the high character and eminent services of the arbitrator thus named, and of the hospitalities and courtesies extended to the tribunal of arbitration, and to those who represented the interests of the Government of the United States in connection with it, by the federal council of Switzerland, and by the authorities and citizens of Geneva.

In accordance with your instructions, I called, to-day, upon the President of the confederation, who had just returned from a temporary absence, and communicated to him the sentiments expressed by the President of the United States, and left with him a note, a copy of which is transmitted herewith, in which I had embodied the substance of your dispatch.

I am, &c.,

HORACE RUBLEE.

Mr. Rublee's note to the President of the Confederation.

LEGATION OF THE UNITED STATES,
Berne, November 1, 1872.

The tribunal of arbitration, appointed agreeably the provisions of the treaty of Washington, of the 8th of May, 1871, having concluded its deliberations and pronounced its final decision, at Geneva, on the 14th September last, the undersigned, minister resident of the United States of America to Switzerland, has been instructed by his Government to make known to the government of Switzerland that the President of the United States most highly appreciates the obligation of the United States, in common with Great Britain, to the friendly governments which have rendered assistance in the determination of the grave international questions that were at issue.

This obligation has been enhanced by the high character and elevated positions of the eminent gentlemen named as arbitrators by these governments. The learning, the industry, the ability, and the impartiality which those gentlemen have displayed have made a profound impression upon the President, and have not only contributed, in an essential degree, to the satisfactory conclusion of the pending questions in which two governments were interested, but must have a powerful effect in commending the principle of arbitration to the attention of the civilized world as an effective method of adjusting many international disputes hereafter.

In addition to the expression of his appreciation of the friendly act of the President of Switzerland in naming one of the arbitrators, and of the high character and eminent services of the arbitrator thus named, the President of the United States desires to acknowledge the indebtedness of the United States to the federal council for the hospitality with which the tribunal of arbitration, before which the United States were a party, was received within the territory of the republic, and for many hospitalities and liberal courtesies extended to the agents and counsel of the United States.

To the government of Geneva the President of the United States desires also to express his grateful appreciation of their voluntarily placing the hall of the Hotel de Ville of the city of Geneva at the disposition of the tribunal for its sittings, and for the courtesies of the authorities and of the citizens of that beautiful city and canton, extended to those who represented the interests of the Government of the United States in connection with the tribunal; and for the reception, for preservation, among their own archives, of the archives of the tribunal.

The President of the United States requests that the President of Switzerland will kindly convey to the Hon. Mr. Stämpfli his thanks, and will communicate to him the high opinion entertained by the President of the United States of his character and services as one of the arbitrators, and to the federal council and to the government of Geneva, the sentiments which are above expressed; and to Mr. Favrot his appreciation of the able manner in which he discharged the arduous duties of secretary to the tribunal.

The undersigned seizes this occasion to renew to your excellency and to the members of the high federal council the expression of his highest consideration.

HORACE RUBLEE.

His Excellency the Honorable D. EMIL WELTI,
President of the Swiss Confederation, Berne.

TURKEY.

No. 446.

Mr. Fish to Mr. Morris.

[Cable telegram.] *

JUNE 4, 1870.

MORRIS, *Minister, Constantinople :*

It is reported by telegraph that extensive murders of Jews have taken place in Roumania. Ascertain facts, and, if true, unofficially urge on Turkish government to put a stop to bloodshed. Answer by cable.

FISH.

No. 447.

Mr. Morris to Mr. Fish.

[Extract.]

No. 363.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, June 8, 1870. (Received June 28.)

SIR: *

On the 7th instant I received the following telegram, which I deciphered to read thus:

MORRIS, *American Minister, Constantinople* :

It is reported by telegraph that extensive murders of Jews have taken place in Roumania. Ascertain facts, and, if true, unofficially urge Turkish government to put a stop to bloodshed. Answer by cable.

FISH, *Secretary*.

To this telegram I gave the following answer in cipher :

SECRETARY FISH, *Washington* :

Porte cannot act. Will address Roumanian authority, Great exaggeration.

MORRIS.

With reference to the latter telegram, I beg leave to observe that Roumania having exclusive legislative authority in the local affairs of that province, the Porte cannot interfere with the same. It will be necessary for me, therefore, to confer with the secretary of the Roumanian political agency on this subject. Prince Stourdza, the agent, is absent on leave. From what I can learn, I am led to believe that the telegraph has greatly exaggerated the occurrences in Roumania, although deplorable acts of violence have been perpetrated. The constant influx of Jews into Roumania from Austria and Russia, competing as they do with the native population in industrial pursuits, gives rise to much popular exasperation. It is complained that they increase the difficulties of living, as the demand for labor and the field of industry is comparatively limited, thus rendering the poor poorer. As this class of Jews find it difficult to gain an existence in Austria, they resort to Roumania in pursuit of employment. Many, for various reasons expelled from Russia, also repair to Roumania, the nearest country, where they hope to find a home.

The so-called persecution of the Jews in Roumania is not a religious question; it is one of labor. The Roumanian government finds it a difficult task to so act on this question as to preserve the public tranquillity, and at the same time satisfy outside public opinion. The Roumanian people call upon their government to take measures to prevent the country being overrun by Jews, and the authorities fear to take the required action, through fear of offending the tolerant spirit of Europe. Owing to this state of things, the country is kept in a constant state of agitation, which, prejudicial as it is to the interests of the province, serves the aims of those who desire to render stable government impossible in Roumania, and thus to facilitate its absorption by neighboring powerful states. I fear there is much political intrigue connected with the *quasi* forced emigration of Jews into Roumania. I have heretofore discussed this matter with the Roumanian political agent at this capital, and I am satisfied the Roumanian government condemns the outrages committed on the Jews, and endeavors to prevent them, but its efforts are counteracted by local interests and public opinion. I shall represent to the acting agent the views of the President of the United States, and I hope they will have a tendency to check the inhuman brutalities complained of. No effort will be spared on my part to second the humane interposition of the President.

I am, &c.,

E. JOY MORRIS.

No. 448.

Mr. Morris to Mr. Fish.

No. 364.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, June 9, 1870. (Received June 28.)

SIR: I have the honor to transmit inclosed a letter from the scene of the late acts of outrage against the Jews in Roumania, which I find in the *Freil Presse* of Vienna of June 3 last. This journal is well informed on Roumanian affairs, and is the more reliable on Jewish matters, as its editors are for the most part Jews. The letter inclosed reduces the gravity of the affair materially, and though it is regrettable as a manifestation of popular prejudice, it does not appear to have been attended by loss of life, as reported at first. The *Freil Presse* was the journal which published the original telegram, and which stated that a general slaughter of Jews had taken place at Bottuschan. The statement included may, therefore, be regarded as a rectification of the telegram since these lamentable occurrences. I am informed that a strong military force has been sent to Bottuschan, and that the Roumanian government will take all necessary precautions to prevent a repetition of the same. I shall, in obedience to the instructions of the President, exert whatever influence I can with the proper authority to put an end to such brutal and uncivilized proceedings.

I am, &c.,

E. JOY MORRIS.

[Inclosure.]

BOTTUSCHAN, OR BOTUSCHANG, ROUMANIA, *May 30.*

(Original correspondence.)

PERSECUTIONS OF THE JEWS AT THIS PLACE.—For a long time hatred of the Jews among the non-Jewish population of this place, has been rife, and symptoms of an approaching storm have been here and there observable. The "gentlemen students" especially hope to win laurels by indiscriminately maltreating every person of Jewish race. On Saturday, May 28, these "gentlemen" assembled, and, with the aid of a low mob, commenced the "Jew hunt" by attacking and insulting some unoffending promenaders. They next rushed, like a pack of hounds let loose, with loud shouts, into those streets where most of the Jews reside, and rioted fearfully. Not a window remained unbroken. They broke into many dwellings, and maltreated everybody that came in their way. A scene bordering on barbarism, of which the writer of these lines was a witness, occurred in a small house, occupied by Mr. St., (a gentleman engaged in mercantile pursuits,) with his large family. He was sitting quietly and peaceably, when a furious crowd broke his window-shutters and demolished his window-panes. The poor man begged them to spare him, as he was the father of five small children, and as his aged parents were living with him. His prayers were vain.

With derisive laughter and curses, the crowd shouted, "Jew, come out here; we want to drag you through the streets by the beard!" The door was then forced with an ax, and the monsters rushed into the room, beating St. and likewise his wife (who was confined at the time) in such a manner that her recovery is almost despaired of; nor did they spare the grandfather, an old man of seventy years, nor his aged wife, who was lying sick in bed. And where was the police? At a safe distance, probably thinking, "Fire that don't burn me I don't put out!" Many persons even assert that a portion of the police were in league with the rioters.

In another street, from fifty to sixty resolute Jews had assembled, waiting for the moment when they should be attacked, intending to defend themselves and their families. Several gentlemen belonging to the "better class," whom I will not name, as they are very well known here as instigators of the riot, addressed the little band as follows: "What are you vagabonds going to defend yourselves? Are you in your own country?" A whistle was given by these worthies as a signal, and thereupon this band of courageous men was surrounded by upward of one hundred students and street boys. Yet no fight resulted; very probably because it is easier to deal with single

persons. Scarcely had the students departed when these men, anticipating no evil, retired to their dwellings. A quarter of an hour later the same maneuver was performed here as in the other streets.

In the course of these proceedings, the temple of Mr. M. Pollitzer received very hard treatment, and a small house of prayer was almost demolished. Not even was the synagogue spared. A heavy rain, which fell about 12½ o'clock in the night, accompanied with wind, put a stop to the mischief.

On Sunday morning, at 8 o'clock, the ball was re-opened, and it was with great difficulty that order was restored at 7 o'clock p. m.

Many Jews were severely wounded, and it is stated that some even fell victims to the rage of the mob. Old men, women, and children were abused without mercy in the streets, and trampled upon; some were even stoned. The loss in stolen property is not so great as was at first supposed; still, robberies were committed. Mr. F., a watch-maker, had his show-window broken open, and several valuable watches stolen, and many articles destroyed. In the public-houses the spirituous liquors were poured out into the streets.

Quiet is now tolerably well restored, but trade is at a complete stand-still, since all Israelitish stores are closed, and will remain so until a re-enforcement of police comes from Jassy.

[NOTE BY THE EDITOR.—Bottuschan is an important town in Moldavia, not far from the Austrian frontier. It has from 20,000 to 25,000 inhabitants, and its markets are more frequented than any others in the country.]

No. 449.

Mr. Morris to Mr. Fish.

UNITED STATES LEGATION,
Constantinople, June 24, 1870.

SIR: I beg leave to invite your perusal of the inclosed, relative to the alleged massacre of Jews in Roumania.

I am, &c.,

E. JOY MORRIS.

[Inclosure.—Translation.]

ROUMANIA. |

Telegrams from Bucharest inform us that the frightful massacre of Israelites at Botochani is reduced to a mere students' frolic, in which a few window-panes were broken; that no incident whatever of any importance occurred; that the local Jewish committee has spontaneously thanked the central government for its vigilant attitude, and for the measures taken to suppress this movement in its incipency.

If the Botochani affair has been reduced to insignificant proportions, let us congratulate the Israelites, let us congratulate the people of Roumania, but let us most heartily blame the Universal Israelitic Alliance.

By what right does this association take upon itself to alarm Europe by false reports? Does it not perceive that, by not submitting the information received by it to a careful examination, it does as much harm to the interests which it pretends to defend as to its own character for reliability? The Jews of Roumania were already sufficiently uninteresting. The Universal Israelitic Alliance is going to make them ridiculous. What will they gain by it?

FRANCE.

[Inclosure.]

A letter from Bucharest, in the *Varterlands*, of Vienna, says:

"The excesses which recently occurred at Botouchany have given the press, particularly the Israelite Alliance, an opportunity for displaying a declamatory eloquence as to the cruel treatment which the Jews undergo in Roumania, and the barbarity and ill-will of the government. As these prints do not, however, mention the motives

which led to the attack at Botouchany, permit me to fill up the blank, and to inform you, though somewhat late in the day, of how things began. A band of dishonest Jews, who had come from Soutza to that place, made some purchases from Wallachian peasants, in a tavern near the market-place. The price of the goods was paid by the buyers in Roumanian, Austrian, and Russian money. One of the peasants who had sold several sacks of corn, finding among the thalers which he had received a piece which he considered suspicious, begged the purchaser to change it for another. This request, though made very quietly, nevertheless raised a terrific uproar among the Israelites, who began to cry out, pretending that the bargain had been concluded, and that the piece of money was good, and, while creating a great noise and agitation, they endeavored to leave the tavern and get away. This the other party opposed, and the more so that, during the tumult, the purse of one of them had been abstracted. This not having been found, and the bad coin not having been exchanged, a squabble resulted between the two parties, in which the Jews, being in greater force, came off best; but, on the peasants being re-enforced, the fight assumed larger proportions, and was transferred to the street; then stones were thrown on the Wallachians from the top windows of houses exclusively inhabited by Jews. This exasperated several Roumanians who had hitherto remained simply spectators, and they joined in the conflict, which extended all over the Jews' quarter and ended to their disadvantage. But it is entirely false that there was any of them killed."

No. 450.

Mr. Morris to Mr. Fish.

UNITED STATES LEGATION,
Constantinople, July 6, 1870. (Received July 25.)

SIR: Inclosed I transmit some statistical statements respecting the Jews in Roumania. They will serve to give a correct view of the real state of affairs in that principality; and in this point of view I beg leave to suggest the expediency of the publication in English of the inclosed article.

I am, &c.,

E. JOY MORRIS.

[Inclosure.—Translation.]

THE JEWS IN ROUMANIA.

The pretended persecution of the Jews in Roumania is a favorite theme which the enemies of the Roumanian government never grow weary of taking up. We have already had occasion to give some extracts from the *Moniteur de Bukarest*, which establish the truth in regard to this matter, and place in their true light the exaggerations and the fables which are too often circulated by the Austrian and French press. We borrow some facts and figures to-day from certain letters signed by a gentleman honorably known in Roumania, (Heliade Radulescu,) which seem to us to be the best reply to the extravagant statements of the Israelitic Alliance, at Paris.

In 1849, the Jews in Roumania were but 60,000 in number, and if it is considered that they now number more than 400,000, how is it possible to believe that Roumania is the only country in the world where the Jewish race is persecuted?

In France, among 33,067,099 inhabitants, there are but 153,994 Jews; in England only 40,000, in a population of 29,070,932.

In presence of such figures, how is it possible to explain the constant increase in the Jewish population of our little country, where they are in the frightful proportion, as shown by statistics, of 400,000 to 4,600,000 Roumanians. If they have come, if they remain among us, it is because they are permitted to enjoy all religious privileges, and are happier in Roumania than elsewhere, for it is well known that Jews do not settle in a country where they have not these advantages. It is not against a reaction that they now protest, since the laws which bear heavily upon them date from the time when they were least numerous, in the reign of Stirbei and Sturdza.

When, in 1848, Roumania shook off the oppressive protectorate of Russia, and adopted

a constitution for herself, she granted all political rights to the Jews in article 21. The occupation by Russia changed our constitution, and prevented the Jews from enjoying these rights long. But since instruction became gratuitous, Jews and all foreigners have been received at the schools, and have enjoyed the same benefits as Roumanians. When they have been willing to avail themselves of these advantages, they have been treated with the same consideration as the Roumanians, and have found devoted friends among the latter.

The Jews enjoy *all liberties*, purchase property in the towns, and hold public offices. Several of them have been professors; one, Dr. Burache, was a professor at the lyceum of St. Serven, at the military school, and at the school of agriculture and medicine. At his death almost all the inhabitants of Bucharest attended his funeral, and a priest of our religion preached his funeral sermon. The widow of this excellent man still receives a pension from the Roumanian government. Is a religion persecuted whose adherents are treated with such consideration?

The Roumanian government has several times sent young Jews to Paris to finish their studies at its expense.

Article 21 of the new constitution guarantees liberty of conscience to all.

Finally, 400,000 Jews own 176 synagogues in Roumania; 45,152 Catholics have 63 churches; 28,903 Protestants have 12 houses of worship; 8,178 Armenians, (Gregorians,) 11 churches, &c.

For a religious persecution to exist, it would be necessary that the Jews should not be permitted to own synagogues or to enjoy religious freedom; it would be necessary that the rigorous measures adopted against malefactors should be extended to the honest and fervent portion of this Jewish population.

No. 451.

Mr. Morris to Mr. Fish.

No. 370.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, July 15, 1870. (Received August 3.)

SIR: I have the honor to transmit, inclosed, a letter from Prince Stirby, the political agent of Roumania at the Porte, on the alleged persecution of the Jews in that principality. It is addressed to me for my own information. Its contents, and the official position of its author, however, seem to require that I should lay it before the Department, and the more so, as the question of which it treats has been the subject of discussion in Congress.

I am, &c.,

E. JOY MORRIS.

Prince Stirby to Mr. Morris.

[Inclosure.—Translation.]

MR. MINISTER: Had it not been for my hasty departure for Bucharest, I should have wished to call on you, and to tell you with what sadness and surprise I have learned the vote of Congress of the United States of the so-called persecution against the Jews in Roumania; but I think that I may assure you that the good faith of the American people, taken unaware for one moment, will soon be sufficiently enlightened.

You are in a better position, Mr. Minister, than any one else, to know to what the pretended question of the Jews is reduced. If it has for a moment taken proportions, it is in consequence of interested passions, that found pleasure in giving it color that it had not; be it to excite a country full of vigor, and which desires to conduct its business without being troubled by any one, be it to force upon Roumania individuals without faith, who, driven from the little encouraging hospitality of its neighbors, arrive by thousands to its frontiers.

The Jewish Association has played a singular part, not to say a melancholy part, in this whole matter. Has it wished to seek again popularity with the people of their own creed? Has it wished to be talked of in the world? What I know is, that it was pleased to change facts, with an audacity and enmity which certainly would not have rendered the Jews sympathy in Roumania if the laws had not protected them.

If there is, indeed, a tolerant country in the world it is certainly Roumania. All re-

ligions are admitted there, and each may celebrate, follow, and preach its creed. Polygamy alone is excluded, because our social state does not admit it. Since centuries Jews were permitted to live in Roumania without being molested, neither in their creed nor in the enjoyment of civil rights. How many nations are there not who had to imitate the toleration of my country? Therefore, if the Israelite Association desire, by its propaganda, to make believe in persecutions in Roumania, it counts, indeed, too much upon the influence which its riches and its powerful ramifications give it. Its game is unmasked now in Europe; it tries to transport it to the United States. It has counted on the distance, and also on the generous feelings of the American people, to inflame public opinion.

I doubt not, Mr. Minister, that you will assist us to spread the truth and to set forth the facts such as they are. The question has, indeed, been distorted with an ingenious perfidy. There is no persecution and there never has been any in Roumania. The Jews who are established there may exercise their creed in full security, and render homage to its hospitable laws. As a proof, Mr. Minister, a rich banker in Bucharest has six months ago made a donation to the government of a considerable amount of money, for the purpose of sending every year to Paris several young people, to finish there their studies. Roumania opens its gates to all strangers, without distinction, who respect its laws and behave honorably. But as to open its gates to an invasion of individuals, who, repulsed from abroad, come without any means of existence, only to carry on a trade of which morality disapproves, but which cannot easily be reached by law, only to serve as spies to foreign countries, Roumania can never yield to that. In sowing such germs in a young country like ours, can it hope to form citizens?

Deign to accept, Mr. Minister, the assurance of my profound respect.

D. STIRBY.

No. 452.

Mr. Brown to Mr. Fish.

No. 15.]

LEGATION OF THE UNITED STATES,
Constantinople, August 12, 1871. (Received September 4.)

SIR: As the legation is frequently called upon by citizens of the United States to aid them in matters relating to lands purchased by them and houses constructed on the same in this empire, and as the Department has, I believe, the subject of a new treaty with the Porte under consideration, I beg leave to inclose for its information a copy of the law of the Sultan, allowing foreigners to possess real estate in his dominions under certain conditions, and the protocol respecting it, signed by the most of the foreign representatives here. I have comprised in one document all that refers to the subject, in the belief that there is now no necessity for separating them, as was done in the originals, and add an English version to a French one. Some portions of the protocol in question probably need an explanation; and I therefore have the honor to state that, although there are several different tenures of land in this empire, the two principal ones are denominated *mulk* and *rakuf*; the former free tenure, and the latter conditional tenure, to wit, subject to the conditions imposed on them by the donators of the property for the support of religious or other institutions, such as mosques, schools, fountains, &c. Those lands which are held as *mulk* may be bought and sold, mortgaged, given away, or left to all heirs, (*natives*), without any legal obstacle whatever; while those which are *rakuf* are subject to various conditions and difficulties. These are often very restrictive and curious, and the purchaser should be careful to make himself well acquainted with them before becoming their owner. The donator, for example, gives his property to a mosque, subject to the conditions of being allowed to hold it on the payment of a small annual tax to its administration, and of leaving it at his decease to his children, but not

to brothers and sisters. Whenever the former do not exist, the land, with whatever improvements he may have built upon it, reverts to the mosque.

For this reason *rakuf* property can never be alienated from the mosque. The holder may sell it subject to all the conditions of the original donator: but it cannot be mortgaged, nor can it be seized upon for the payment of debt. More than one-half of the city property, as well as a large portion of the lands in the provinces, are held by this tenure.

The government has made various efforts to place *rakuf* property on the footing of *mulk*, but as yet the opposition of the clergy has been sufficiently powerful to prevent it; an exception is therefore alluded to in the third and fourth articles of the law, in favor of *rakuf* property. The exception made to the province of Hedjos is on account of its containing the two holy cities of Mek-keh and Medinah.

The law places all foreigners upon the footing of Ottoman subjects, and refuses them all rights to appeal to their legations and consulates for support in any suits connected with their innumerable properties.

The protocol declares their domiciles inviolate, and provides for the arrest of criminals in their houses in provincial places. The insecurity of remote parts of the empire prevents foreigners from settling there; so that, whatever the advantages be from this law, they are enjoyed only by residents in the larger cities and towns of the empire.

At the present time citizens of the United States are compelled to purchase and hold real estate in the names of Ottoman subjects, or other foreigners whose governments have accepted the conditions of the law, and signed the protocol; but the Islam tribunals only recognize as owners those whose names figure in the *hodjets*, or deeds. If an Ottoman subject gives to the citizen a formal declaration, stating that he holds the property in his name, as a mere formality, the executive officers of the government are disposed in most cases to recognize it as binding between the parties; but the Islam tribunals will not do so without an order from the Grand Vizier. The result is, that this and some other acts are abusive tenures, surrounded with many dangers and difficulties, to obviate which the government consented to create a special law in favor of foreigners.

There are, at the present time, many citizens of the United States in various parts of Turkey holding property in the manner of Ottoman subjects, and others have had their heirs registered as such in the native Protestant community, so as to place their property on them. This is certainly a very dangerous form of tenure, contrary to the laws of the United States and those of Turkey, and calculated to produce serious trouble hereafter to the legation.

The Porte is always disposed to be kind and just in such cases, but it cannot break the laws of the empire with regard to real estate, especially those giving inheritances, all intimately connected with the religious prescriptions of the Koran.

I do not believe that this government would yet be willing to comprise this law in a general treaty with the United States; and therefore I would respectfully suggest that the protocol or convention be accepted in its present form. I see no disadvantages from such a convention, inasmuch as citizens of the United States may or may not avail themselves of it, as they deem best, though I fully believe that they all will be happy to be able to pass it by; and it will place them in a posi-

tion of independence of their present necessity of holding property in the names of natives often of doubtful honesty.

I am not aware that the Porte expects any reciprocity of this law in favor of its subjects in the United States, for its entire object is to benefit its own dominions.

I beg the indulgence of the Department for venturing to address it upon such a subject, and offer as an excuse its growing importance to the interests of citizens of the United States in this country.

I have, &c.,

JOHN P. BROWN.

[A.—No. 15, of August 12, 1871.]

LAW CEDING TO FOREIGNERS THE RIGHT OF POSSESSING PROPERTY (REAL ESTATE) IN THE OTTOMAN EMPIRE.

In the view of developing the prosperity of the country, to put an end to the difficulties, abuses, and unsettledness produced on the subject of the exercise of the right of holding property by foreigners in the Ottoman Empire, and to complete, by the means of a precise regulation, the guarantees due to the financial interests and the administrative action of the government, the following legislative arrangements have been adopted by the orders of His Imperial Majesty, the Sultan :

ARTICLE 1. Foreigners are allowed, on the same footing of Ottoman subjects and without any other conditions, to enjoy the right of possessing immovable property in the cities and rural parts of the whole of the empire, excepting the province of Hedjas, by submitting to the laws and regulations which govern Ottoman subjects, as hereafter stated. This arrangement does not extend to native Ottoman subjects who may have changed their nationality, and who will be governed in this matter by a special law.

ARTICLE 2. Foreigners owning city and rural property are, consequently, assimilated to Ottoman subjects in all that relates to their immovable property. This assimilation has for legal objects—

1. To oblige them to conform to all of the laws and police regulations, as well as those of a municipal character actually in force, or which may hereafter govern the enjoyment, the transmission, the alienation, and the hypothecation of real estate.

2. To pay all of the taxes and contributions, under whatever form and denomination whatever, now or hereafter affecting city and rural real estate.

3. To render them amenable to the civil Ottoman tribunals for all questions relating to real estate, and for all real actions thereon, either as plaintiffs or defendants, even when both parties are foreigners; all on the same footing, under the same conditions and in the same favors as Ottoman proprietors, and without their having any right to put forward their personal nationality; but yet, under the reservations of the immunities attached to their persons and to their movable property, according to the treaty stipulations.

ARTICLE 3. In case of the bankruptcy of a foreigner owning real estate, the syndics of the bankruptcy will proceed to take action thereon, before the Ottoman authorities and the civil Ottoman tribunals, for the purpose of demanding the sale of the immovable property owned by the bankrupt, and which, by their nature and conformably with the law, may answer for the debts of the owner.

This same rule will be carried out whenever a foreigner has obtained a judgment before any foreign tribunal condemning another owner of real estate.

For the execution of this judgment on the real estate of his debtor, the foreigner will address himself to the competent Ottoman authority, so as to obtain the sale of the immovable property, answering for the debts of the owner, and their judgment will not be executed by the authorities and Ottoman tribunals until after they shall have established the fact that the immovable property required to be sold really belongs to the category of property which may be sold in payment of debts.

ARTICLE 4. The foreign subject has the faculty of disposing of, by donation or by will, those of his immovable properties which, under this form, are allowed by law to be donated or willed.

As to the immovable properties which he has not disposed of, or which the law does not allow him to dispose of, by donation or will, their inheritance will be regulated conformably with the Ottoman laws of succession.

ARTICLE 5. Every foreign subject will enjoy the advantages of the present law from the moment that the power (government) to which he belongs shall have adhered to the arrangements proposed by the Sublime Porte for the exercise of the right of holding immovable property.

PROTOCOL.

The law which grants to foreigners the right of possessing immovable property in the Ottoman Empire does not affect the immunities sanctioned by the treaty stipulations; and these, therefore, shall continue to cover the persons and the movable effects of the citizens of the United States of America who may hereby become owners of any immovable property. The concession of this right of holding real estate being designed to induce a larger number of foreigners to establish themselves in the Ottoman Empire, the imperial government considers it a duty to provide for and prevent the difficulties to which the application of this law may give rise in certain portions of the empire. Such, therefore, is the object of the following arrangements.

The dwelling of every person residing on Ottoman soil being inviolate, and no one being allowed to enter it without the consent of the owner, except in virtue of orders emanating from competent authority, and with the assistance of the magistrate or functionary invested with the requisite power, the dwelling of a citizen of the United States of America is, in the same manner, inviolate, conformably with the treaty stipulations; and the agents of the public force cannot enter without the co-operation of his consul or his delegate.

By the term "dwelling" is understood the house in which the citizen resides, and the appurtenances of the same, such as the out-houses, yards, gardens, and inclosures adjacent thereto, exclusive of all other parts of the property.

In all localities, distant at least nine hours from a consulate of the United States, the agents of the public force shall not enter the dwelling of a citizen of the United States without the co-operation of his consul, as before stated. The consul, however, is held to give his immediate assistance to the local authorities, so that not more than six hours shall elapse between the moment when he has been apprised of this desire and that of the departure of his delegate; and in this manner the action of said authorities may not be arrested more than thirty-four hours.

In those localities which are more than nine hours distant, or more than nine hours journey from the residence of the consular agent of the United States, the agents of the Ottoman government may, on the demand of the local authorities, and with the assistance of three of the members of the council of the parish, (commune,) enter the dwelling of the citizen, without the assistance of the consular agent; but this only in cases of great emergency, and for the purpose only of effecting a search after a criminal, and to establish the crime of manslaughter, or an attempt to commit this crime, or that of incendiarism, or of theft with arms, or of burglary, or, during the night, in a house occupied by armed rebels, or by counterfeitters; and this also, whenever the crime may have been committed by a foreigner or by an Ottoman subject, or whenever it shall have been committed in the dwelling of a citizen of the United States, or outside of the same, or in any other place whatsoever.

These provisions are only applicable to the parts of the property which form the actual dwelling of the citizen of the United States, as afore defined. Beyond the dwelling, the action of the police shall be exercised freely and without any reserve; but, in case the individual accused of the crime or misdemeanor shall be arrested, and prove to be a citizen of the United States, all of the immunities attached to his person by the treaty stipulations shall be fully respected.

The functionary or other official charged with the execution of the visit to the domicile of the citizen of the United States under the exceptional circumstances aforementioned, and the members of the council of the parish who assist him, shall be held to draw up a report of the same, and to communicate it immediately to the superior authority to whom they are amenable, and the latter shall, himself, forthwith, without any delay, transmit said report to the nearest consular agent of the United States.

A special regulation will be promulgated by the Sublime Porte, to direct and govern the mode of action on the part of the local police, in the various cases aforestated.

In the localities, distant more than nine hours from the residence of any consular agent of the United States and in which the law or the judiciary organization of the *vilayet* (province) is in force, citizens of the United States may be judged without the assistance of the consular delegate, by the council of the parish, performing the functions of judges of the peace, and by the tribunal of the *cazaa*, (district,) both for suits not exceeding 1,000 piasters, (\$50,) and for misdemeanors which do not call for a heavier fine, in the maximum, of 500 piasters, (\$25.)

Citizens of the United States will, in all cases, have a right to appeal to the tribunal of the *sanjak* (county) against sentences given as aforestated; and the appeal will be followed up and judged with the co-operation of the consul of the United States, conformably with the treaty stipulations. The appeal will, in all cases, suspend the execution of the previous sentence.

In every case the forcible execution of the sentences given, under the conditions aforestated, shall not take place without the co-operation of the consul of the United States or of his delegate.

The imperial government will draw up a law for the government of the rules of pro-

cedure to be observed by the parties in the application of the preceding arrangements. Citizens of the United States, in whatever part of the empire they may be, are authorized to submit, spontaneously, their suits to the parish councils, or to the tribunals of the caaza, without the assistance of their consul; suits which shall not, however, surpass the competency of these councils or tribunals; reserving, nevertheless, the right of appeal to the superior tribunal of the sanjak where the case may be carried, and judged with the co-operation of the consul or his delegate.

In all cases the consent of the citizen of the United States to be tried, as aforesaid, without the assistance of his consul, must be given in writing, previous also to any proceedings being taken.

It is well understood that all of these restrictions do not relate to any questions concerning matters of real estate, which shall be prosecuted and judged under the conditions established by the laws special to them.

The right of defense and the publicity of the audiences is secured to the citizens of the United States who appear before Ottoman tribunals, as well also to Ottoman subjects.

The preceding arrangements will remain in force to the period of the revision of the ancient treaties, for which the Sublime Porte will endeavor to bring about an understanding with the friendly powers.

In the view, also, of preventing any confusion in the execution of the previous provisions, the following rule is moreover adopted:

Any citizen of the United States desirous of purchasing real estate in the empire, will, if he reside at Constantinople, address himself, in the first instance, to his legation, and it will draw up a *takrir*, (official note) in the Turkish language, for presentation to the department of foreign affairs, to be transmitted by it to that of the *erkass*, or "Pious Bequests," and authorize the transfer of the property. This *takrir*, will indicate the nationality and the origin of the purchaser, his own name and that of his family, as well as the character of the immovable property purchased by him.

For whatever relates to citizens of the United States residing in the interior of the empire, the *takrir* containing the preceding details will be adopted by the consul of the United States within whose jurisdiction he is domiciled, to the head of the local administration, who will proceed accordingly to effect the transfer of the property in question through the competent authorities. This rule will be observed both at Constantinople and in all other parts of the empire, for any operation concerning immovable property held by citizens of the United States.

Moreover, the *takrir* aforesaid, containing the information therein specified, and drawn up in the Turkish language, must be in duplicate. The department of foreign affairs will be required to transmit one of these copies to that of the *erkass*, after having duly verified the citizenship of the proposed purchaser, and his exemption from all of the impediments foreseen by the law, preventing his full enjoyment of the rights to possess property in the empire, and after having legalized the seal attached to said *takrirs* of the legation of the United States of which it will require to be furnished with an impression. Whenever the citizen of the United States shall present himself before the proper Ottoman authority as the seller of immovable property, purchased by him in the empire, there must be, annexed to the *takrir* of his legation or consulate, furnished also in duplicate, a certificate, delivered to him by the *mehtar* (head) of the quarter in which he resides, or by the head of the corporation to which he belongs; and this certificate shall establish his desire to dispose of his property, conformably with the practice observed with regard to natives.

It is likewise understood that all of the preceding formalities must be equally observed in the provinces, where the consuls of the United States will address their *takrirs* to the chief of the administration of the same, after having previously made known to him the seal which he designs using for such purposes.

No. 453.

Mr. Brown to Mr. Fish.

No. 19.]

LEGATION OF THE UNITED STATES,
Constantinople, September 9, 1871. (Received October 5.)

SIR: I have the honor to report to the Department the decease, on the 6th instant, of the late grand vizier, Aali Pacha, and the nomination of his successor, his highness Mahmood Pacha. Some other changes have already been made in the higher offices of the government.

and probably others will soon take place. The vacant post of minister of foreign affairs has not yet been filled, but it seems to be quite certain that Jamel Pacha, now ambassador at Paris, son of a former grand vizier of much eminence, Rechid Pacha, will be named to it by the Sultan.

Aali Pacha was a native of this capital, and the son of a private individual, who, however, gave him what may be here called a good education, in which was included a thorough knowledge of the French language. At an early age he entered the service of the government, under the patronage of Rechid Pacha, and rose gradually to the highest civil offices of the Sublime Porte.

He at various times filled the offices of ambassador, minister of foreign affairs, and grand vizier, in all of which he acquired a high reputation for ability and prudence; and a policy of a conciliatory character, which besides acquiring the confidence and respect of foreign governments, gained for him innumerable personal friends. He came into office in 1830, and has now terminated his career, in 1871, at the age of some fifty-six years. Having always been of a feeble frame and constitution, the vast amount of labor performed by him was the subject of surprise to all who witnessed it. This constant mental occupation eventually destroyed his health and occasioned his decease. During his various embassies, when their object often involved to an eminent degree the welfare of his country, as well as while directing its affairs as prime minister, (especially during the Cretan insurrection,) he showed himself equal to his position. Like almost all public men in this country, where there are no hereditary titles or offices, he owed his success in life to his personal exertions and abilities, and during the long period of his services to his sovereign and his country he fully maintained an unblemished character. Indeed, the Ottoman Empire has seldom possessed a statesman of so much perfect probity and honesty and those other high traits of character which render men respected and beloved.

For this reason the decease of Aali Pacha is a severe loss to the Sultan and his empire; and as, during his illness, most of the sovereigns and statesmen of Europe sent here by telegraph to make inquiry for his condition, his death will doubtless be so considered by them. Toward the Government of the United States and its legation here, Aali Pacha never failed to evince his respect and friendly feelings, and a strong desire to cultivate cordial relations between it and his own.

He leaves a small family, for which, without any doubt, the Sultan, whom he had so long and so faithfully served, will provide in the same noble and generous manner which he always does for his public servants.

Having had the happiness to enjoy the friendly consideration of the deceased for so many years, I personally feel deeply pained by his death, especially as it occurred at an age when most men are best able to serve their country.

The Sultan has also just lost another of his most eminent and distinguished public servants, Mohamed Kibristi Pacha, a minister without portfolio, in the prime of life.

I have, &c.,

JOHN P. BROWN.

No. 454.

Mr. Hunter to Mr. Brown.

No. 14.]

DEPARTMENT OF STATE.

Washington, September 11, 1871.

SIR: I acknowledge the receipt of your dispatch No. 15, of the 12th ultimo, with inclosures, and thank you for the interesting and valuable information it furnishes upon the existing state of Turkish law in relation to the tenure of real estate by foreigners.

A reason which has heretofore disinclined this Department to accept the protocol prescribed as the condition of our citizens obtaining the benefit of the new law, is the provision under which citizens in localities distant more than nine hours from the residence of a consular agent may be judged by the council of the parish or by the tribunal of the caazâ. This is apparently in conflict with Article IV of the treaty of May 7, 1830, as understood by the Ottoman government, and perhaps more clearly to the practical interpretation which we have put upon it. We cannot accede to the protocol under these circumstances without the advice and consent of the Senate. A similar question arises in respect to a subsequent provision, authorizing our citizens, in any part of the empire, to submit spontaneously their suits to the Turkish tribunals. While such rights of extritoriality as they possess have doubtless been obtained mainly for the benefit of the citizens concerned, and while, as in general, a party may waive a provision introduced for his own benefit, this principle is not applied in cases involving public policy, such, for example, as trial by jury for capital offenses. It may well be, therefore, that a citizen cannot waive a right given by the existing treaty, unless that waiver be sanctioned by the authority competent to ratify a new treaty.

It may well be doubted whether there is any such public interest in facilitating investments by our citizens in immovable property in the Ottoman dominions as to require the initiative to be taken without the advice of the Senate, and while the construction of the treaty of 1830 is still undetermined by that body.

I am, &c.,

W. HUNTER.

No. 455.

Mr. Fish to Mr. Brown.

No. 18.]

DEPARTMENT OF STATE,

Washington, October 3, 1871.

SIR: The Department has received your dispatch No. 21, with the accompanying correspondence relative to the promotion of Mahmoud Pacha to the post of Grand Vizier, in the place of Aali Pacha, deceased. The latter was a statesman of such distinction, and deservedly enjoyed so wide a renown for sagacity and judgment, that his loss to Turkey may be considered to deserve a special mark of sympathy on the part of this Government. You are consequently authorized to address a note to the minister for foreign affairs of the Porte, expressing the regret of the President at the signal bereavement which it has sustained in the demise of Aali Pacha, and his hearty sympathy with the friends

of the deceased. There should be the less hesitation on our part in this step, as it is understood to have already been taken by the Governments of the principal European powers.

I am, &c.,

HAMILTON FISH.

No. 456.

Mr. Brown to Mr. Fish.

No. 27.] LEGATION OF THE UNITED STATES,
Constantinople, October 25, 1871. (Received November 16.)

SIR: I have had the honor to receive your dispatch of the 3d instant, directing me to convey the regrets of the President to the Ottoman government on the demise of his highness Aali Pacha, and inclose copy of letter which I have addressed on the subject to his excellency Server Pacha, minister of foreign affairs.

I am, &c.,

JOHN P. BROWN.

[Inclosure.]

LEGATION OF THE UNITED STATES,
Constantinople, October 25, 1871.

EXCELLENCY: I have the honor to inform you that I have just received a dispatch from the honorable Secretary of State of the United States of America, by which he directs me to convey to you the regrets of the President of the United States on the occasion of the demise of the late Grand Vizier, his highness Aali Pacha.

The President, considering that the deceased Grand Vizier was a statesman of so much distinction, and so deservedly enjoying a wide renown for sagacity and judgment, he regards that this loss to the Ottoman Empire may be considered an event which calls for a special mark of sympathy on the part of the Government of the United States. I am therefore directed to express to you the regrets of the President at the signal bereavement which the Ottoman government has sustained in the demise of his highness Aali Pacha, and his hearty sympathy with his friends.

In acquitting myself of this duty, I beg your excellency to accept assurances of my perfect consideration.

JOHN P. BROWN.

No. 457.

Mr. Brown to Mr. Fish.

No. 28.] LEGATION OF THE UNITED STATES,
Constantinople, November 6, 1871. (Received December 2.)

SIR: I have the honor to transmit to the Department copies of a correspondence with the consular-general at Beirut, and to request most respectfully your instructions on the subject to which it relates.

I have very great respect for all of the American missionaries in all parts of this country, and many of them are personal friends. They are fully entitled to all of the protection which the legation can secure for them. The opinions which I have expressed in my reply to the vice-consul-general are based upon my experience and knowledge of the feelings of the Turkish government.

I have, &c.,

JOHN P. BROWN.

[Inclosure No. 1.]

Mr. Brown to Mr. Hay.

LEGATION OF THE UNITED STATES,

Constantinople, November 4, 1871.

SIR: I have had the honor to receive your dispatch of the 11th October, asking instructions from me on the subject of the amount of protection, if any, consuls may give to the teachers, pupils, and natives who have been connected through the ministry of the American missionaries, from persecution on account of their religious belief.

As I am not in possession of any instructions from the Department of State on the subject, and as it is one that must greatly interest the missionaries in Syria, I shall now transmit to it a copy of your dispatch and of my reply, for its consideration. It is for the first time, that I am aware of, that such a request has been submitted to the legation from missionaries in any part of Turkey; and I must regret that anything has now occurred to render it necessary.

It seems to me that much as the Government of the United States may be interested in the principle of religious liberty and toleration in all parts of the world, the question is one of so much delicacy, when it relates to other countries and governments, as to prevent its direct official interference to sustain it.

By reference to the fifth article of the treaty, you will perceive that it has been established that the legation and consulates of the United States shall not protect Ottoman subjects, either openly or secretly, &c., and the same principle you will find repeated in your *berat* or exequatur of the consul-general. I do not see how this stipulation can be departed from on the ground of religious toleration in this country. Although the Ottoman government tolerates the labors of missionaries among its subjects, it does so unwillingly, and is not disposed to favor or promote them. With this fact before me I cannot instruct you to claim a right to give your official protection to the individuals afore stated. I believe the local authorities will not allow it; the question will then be referred by them and yourself here, and I shall have invited upon the legation a question of an untenable nature. The recent case of the teacher of the Rev. Mr. Jessup offers an evidence of what I state. I certainly do not advise you from refraining to offer your officious solicitations in behalf of any clearly established cases of religious persecution, be the sufferer whomever he may, or whatever his faith, and from invoking the well-known liberal principles of the Ottoman government in such matters; but this should be done with much discretion. It would be certainly an error to interfere in the affairs of the individuals you allude to disconnected with religion.

You are misinformed on the subject of any "Mussulman who, for having embraced Christianity, may be put to death." Several years ago the Sultan officially declared that this principle of Islam holy law should never be practiced; and there are now some few Christians here who were once Moslems, residing at the capital, and in frequent intercourse with the higher functionaries of the government. I am probably better acquainted than yourself with its feelings. I would, therefore, not encourage you to do what, though very creditable to your feelings as a Protestant, I should not be able to sustain you in.

You may, however, easily verify what I have stated by putting forward a claim to protect the individuals mentioned in your dispatch.

As to the American missionaries, I of course need not add that every possible means should be adopted for their protection. Their dwellings and establishments are inviolate, and will never, I presume, be molested.

I am, &c.,

JOHN P. BROWN.

J. BALDWIN HAY, Esq.,

United States Vice-Consul-General, Beirut.

[Inclosure No. 2.]

Mr. Hay to Mr. Brown.

No. 48.]

UNITED STATES CONSULATE-GENERAL,

Beirut, October 11, 1871.

SIR: I have the honor to acknowledge your official note, dated the 19th ultimo, on the protection alleged to have been given by the United States consular agent at Tripoli to an employé of the Rev. Mr. H. S. Jessup. This is the first that I have heard of the affair, and I have requested Mr. Tanni to give me full particulars of the case, and to

what extent he has protected the said employé; and I shall send you his report as soon as received.

In the meanwhile allow me to request special instructions respecting the claim of American missionaries in Syria to official protection in their vocation.

The American missionary enters the Ottoman Empire with the avowed object of teaching the Christian religion to the subjects of this empire, not secretly, but openly. The Ottoman government, by reason of according them permission to teach and preach the Christian religion, and to open schools, cannot justly offer them any molestation or hinderance in pursuing their object, nor can it consistently injure, threaten, or persecute such of its subjects as may embrace the religion which it allows the missionaries to teach. If a Mohammedan subject of Turkey embraces Christianity, by the laws of Mohammedanism his evidence is worthless, and he can be put to death; but a recent decree of the Sultan proclaims *religious toleration* throughout the empire. This decree is not practically enforced in Syria, and American missionaries often desire and expect consular interposition to succor persecuted native teachers and native converts. Such a course is offensive to the local authorities, who are secretly (if not openly) upheld in Constantinople by their superiors.

Only the *firm pressure of Christian nations* caused the Sultan to proclaim religious liberty, and a constant pressure is absolutely necessary to secure this liberty of conscience to converts who desire to experience its benefit.

Having thus briefly stated the position of American missionaries in Syria, I earnestly desire instructions as to how far they are to be protected in their calling, and to what extent, if any, consuls can protect their teachers, their pupils, and the natives who have been converted by their ministry. (The word protection in this case means protection from persecution on account of religious belief.)

I am, &c.,

J. BALDWIN HAY,
Vice-Consul-General.

Hon. JOHN P. BROWN,
United States Minister, Constantinople.

No. 458.

Mr. Brown to Mr. Fish.

No. 30.] LEGATION OF THE UNITED STATES,
Constantinople, November 8, 1871. (Received December 11.)

SIR: I have the honor to inclose, herewith, translation of a note addressed by the Sublime Porte to M. S. Franchi, the ambassador of the Papal See, terminating his mission. Since its receipt the ambassador has left for Rome.

The object of this mission was to induce the Ottoman government to compel the American Catholic community of Turkey to continue to accept a bishop, named M. S. Hassom, as its spiritual chief, appointed by the Pope, against the wishes of the large majority of its most respectable and influential members.

The Ottoman government has refused to admit the solicitations and intervention of the Papal See, and maintained the perfect rights of its own subjects to elect their bishop, and to administer their spiritual interests themselves. During his residence here the papal ambassador has been the guest of the Sultan, and received many evidences of respect both for himself personally and for the Papal See. His mission, nevertheless, has been a total failure.

I have, &c.,

JOHN P. BROWN.

[Inclosure.]

Translation of the text of a note addressed by H. S. Server Pacha, minister of foreign affairs, to Mr. Franchi, ambassador of the Pope, September 27, 1871.

The Sublime Porte has taken cognizance of the note which your grace did me the honor to address to me the 22d September, and I now hasten to reply to the same as follows:

The imperial government has always confided the management of the spiritual affairs of the different communities of the empire to these same communities and to their churches. All of the public documents of the government, as well as the treaty of Paris, sufficiently prove this fact.

The Sublime Porte, therefore, has always conformed to the duties imposed upon it by its own dignity and good faith toward treaties by abstaining from every thought or act of a nature calculated to annihilate or weaken its enjoyments and sacred promises, or the discussion of questions which are of the spiritual domain.

I need not add that the imperial government always reserves the right emanating from its sovereignty to adopt directly, and without any other intervention, with the different classes of its subjects, a line of conduct at the same time just and equitable, in whatever relates to their civil administration. If, consequently, any discussions have occurred outside of the principles which I have just exposed to your grace, you will be so good as to consider them only in the light of preserving these same principles, which are both true and salutary.

Your grace, as the ambassador of the Holy See and the bearer of a friendly letter addressed to His Sublime Majesty the Sultan, by His Holiness the Pope, will always receive, during your residence here, assurances of the high consideration and sentiments of esteem and friendship which we entertain for his person.

Please accept also, &c.,

SERVER.

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No. 459.

Mr. Brown to Mr. Fish.

No. 31.]

LEGATION OF THE UNITED STATES,
Constantinople, November 9, 1871. (Received December 11.)

SIR: I have the honor to inclose herewith copy and translation of the note addressed to me by his excellency Server Pacha, minister of foreign affairs, in answer to mine of the 20th ultimo, conveying to the Ottoman government the regrets of the President on the occasion of the death of His Highness Aali Pacha, the late Grand Vizier.

I remain, &c.,

JOHN P. BROWN.

— — —
Server Pacha to Mr. Brown.

[Inclosure.—Translation.]

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS.
November 8, 1871.

SIR: I have received the note which you were so good as to write to me the 25th October, containing the expression of the regrets of the President of the United States on the occasion of the regrettable death of His Highness Aali Pacha.

The Sublime Porte has been very sensibly affected by the both noble and sincere sentiments expressed by the President.

I beg you, sir, to convey our very lively thanks to the President, and to assure him that the new cabinet of His Imperial Majesty the Sultan can have nothing more at heart than to cultivate more and more the relations of friendship so happily existing between the two countries.

Accept, sir, the assurance of my perfect consideration.

SERVER.

No. 460.

Mr. Brown to Mr. Fish.

No. 33.] LEGATION OF THE UNITED STATES,
Constantinople, November 24, 1871. (Received December 21.)

SIR: I have the honor herewith to inclose a communication from the Sublime Porte on the subject of new facilities granted by it to merchant-vessels passing through the Straits of the Bosphorus and the Dardanelles, together with a copy and translation of the regulations which accompanied it.

The only fees paid by merchant-vessels passing through the straits are the amounts payable for firmans and light-houses. The port-charges of the capital are very insignificant. The facilities now granted to merchant-vessels passing through the straits are very important, and relieve them from the former necessity of stopping at the town of the Dardanelles, often during severe weather, to deliver their firmans, as they may now procure firmans from the harbor-office of the capital, in place of from the bureau of the Sublime Porte, (foreign affairs,) as, where for both going to and returning from the Black Sea, their detention in the latter case is wholly obviated.

I have, &c.,

JOHN P. BROWN.

Server Pacha to Mr. Brown.

[Inclosure No. 1—Translation.]

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
November 22, 1871.

SIR: In the view of facilitating commercial operations and navigation, the Sublime Porte has deemed it suitable to make some modifications in the regulations regarding the passage, during the night, of commercial vessels through the Straits of the Dardanelles and the Bosphorus.

I have the honor to transmit to you, herewith, some copies of the new regulations, definitively adopted, on this same subject, and beg you to be so good as to give orders, whenever it may be necessary, so that commercial vessels, under the American flag, shall conform strictly to the dispositions of these regulations, which are to come into vigor from the 1-13 December next.

It is well understood that, conformably with what is now practiced, vessels will not, for any reason whatever, before sunrise and after sunset, effect any operation, either of embarking or discharging their merchandise, nor embark or discharge passengers in the port of Constantinople, in the Bosphorus, or throughout the Straits of the Dardanelles.

Accept, sir, the assurance of my perfect consideration.

SERVER.

[Inclosure No. 2—Translation.]

RULES FOR THE PASSAGE OF COMMERCIAL VESSELS THROUGH THE STRAITS OF THE DARDANELLES AND BOSPHORUS.

ARTICLE 1. In virtue of an imperial iradet, (sanction,) commercial vessels, sailing and steamers, native and foreign, leaving Constantinople, on their way either into the Black Sea or for the Mediterranean, may pass through the Straits of the Bosphorus and the Dardanelles at any hour of day and night.

ARTICLE 2. The above-mentioned vessels, in passing through the Dardanelles, shall deliver their firmans on board of a ship-of-war, which will be stationed at Galata Bournou, opposite Gallipoli, at a point of easy access.

ARTICLE 3. So as to relieve vessels arriving from the Black Sea, and bound for the

Mediterranean, from the obligation of stopping at Constantinople for the purpose of procuring firmans authorizing their passage through the Dardanelles, it is ordered that each vessel, on its way from Constantinople to the Black Sea, will have the right to take two firmans, one for the passage of the Bosphorus and the other for that of the Dardanelles, by paying all of the fees for going and returning.

ARTICLE 4. Firmans will hereafter be delivered by the maritime prefecture on the written request of the consulate to which the vessels belong, when they relate to ships under foreign flags.

ARTICLE 5. There shall be paid for each firman 70 piasters in silver, and vessels will not have to pay fee on delivering their firmans on board the vessel stationed at Galata Bournou. Steamers without any distinction of flags will pay for their firmans 25 piasters in silver.

DECEMBER 1-13, 1871.

No. 461.

Mr. Brown to Mr. Fish.

No. 34.] LEGATION OF THE UNITED STATES,
Constantinople, November 25, 1871. (Received December 31.)

SIR: I have the honor to transmit to the Department translation of a new regulation adopted by the Ottoman government with respect to drawback duties of its customs.

With great respect, &c.,

JOHN P. BROWN.

[Inclosure.—Translation.]

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS.

November 22, 1871.

SIR: According to the terms of the commercial treaties concluded between the Sublime Porte and the friendly powers, merchandise which, after having paid the import duties of 8 per cent., and not sold in the empire, are exported within the delay of six months, dating from the day of their arrival, must be considered and treated as being in transit.

This disposition of the treaties offers difficulties, in point of practice, and often gives rise to frauds. In fact, when merchants wish to sell, in the places of importation, a part of their merchandise, and at the same time reserve to themselves the faculty of exporting the remainder, within the delay aforementioned, of six months, it is difficult to establish at the moment of exportation the identity of the remaining merchandise. To remedy these inconveniences, the imperial administration of the customs has just adopted the following measures:

Twelve stamps, corresponding with the twelve months of the year, have been made. Merchants desirous of selling in the place a part of the merchandise brought from foreign countries, and which they have in magazines, will be held to transport them previously, to the custom-house, just as they have been imported. The packages, bales, or parcels will be there opened, so as to enable each merchant to withdraw the quantity needed by him. There will then be applied to the remainder of the said merchandise a stamp corresponding with the month and the day of their arrival from the foreign country, and the payment of the import duty of 8 per cent. In this manner, at the moment of their exportation to a foreign country, it will be easy to compare them with the stamps attached to them; and the custom-house will return the difference between the import and the transit duty.

This measure, the advantages of which you will appreciate, will be put in force throughout the whole empire, with the exception of Trebizonde, within a delay of four months from the day of its publication.

I therefore beg you, sir, to be so good as to make this decision known to the merchants, citizens of the United States, so that they may conform to it.

Accept, also, assurances, &c.

No. 462.

Mr. Fish to Mr. Brown.

No. 24.]

DEPARTMENT OF STATE,
Washington, December 5, 1871.

SIR: I have received your dispatch No. 28, of the 6th ultimo, inclosing correspondence between yourself and the vice-consul-general at Beirut, in regard to the "amount of protection, if any, consuls can give to the teachers, pupils, and natives, who have been connected through the ministry of the American missionaries, from persecution on account of their religious belief."

In reply, I have to state that the general position and principles advanced by you on the subject are correct, and are within the provision of the treaty between the United States and Turkey, and your communication to the vice-consul-general is approved.

I am, &c.,

HAMILTON FISH.

No. 463.

Mr. Brown to Mr. Fish.

No. 36.]

LEGATION OF THE UNITED STATES,
Constantinople, December 14, 1871. (Received Jan. 18, 1872.)

SIR: I have the honor to inclose copy of my reply to the minister of foreign affairs on the subject of the new regulations adopted by the Sublime Porte, regarding the passage of merchant vessels through the Bosphorus and the Dardanelles.

Fully believing that all such facilities to commerce will be satisfactory to the Government of the United States, I deemed it a proper occasion to express it to the minister of foreign affairs.

Since then, at a meeting of chiefs of the diplomatic corps, convoked by the Russian ambassador, (its *Doyen*,) it was proposed to request the Porte to direct that a boat belonging to the Ottoman ship-of-war stationed at Gallipoli should collect the firmans of merchant-vessels passing through the Dardanelles, and the Porte has given orders to this effect.

I have, &c.,

JOHN P. BROWN.

[Inclosure 1.]

*Mr. Brown to Server Pacha.*LEGATION OF THE UNITED STATES,
Constantinople, November 24, 1871.

EXCELLENCY: I have the honor to acknowledge the receipt of the letter which you were so good as to write me the 22d instant, with its inclosures, on the subject of the new facilities offered by the Ottoman government to the navigation of the Straits of the Bosphorus and Dardanelles by merchant vessels. Being convinced that the Government of the United States will learn these new regulations with satisfaction, I have hastened to bring them to its knowledge. I have, also, transmitted them to consuls of the United States for their information.

I beg your excellency to accept the assurance of my perfect consideration.

JOHN P. BROWN.

His Excellency SERVER PACHA,
Minister of Foreign Affairs.

[Inclosure 2.]

CONSTANTINOPLE, *Wednesday, December 13, 1871.*

THE DARDANELLES AND BOSPHORUS.

The following notice to shipmasters has been issued by our Consulate-General, dated December 12:

All vessels may henceforth pass through the Straits of the Bosphorus and Dardanelles at any hour of the day or night.

To prevent vessels stopping to get their firmans at Constantinople on their passage down from the Black Sea to the Mediterranean, shipmasters may provide themselves on their arrival from the Mediterranean, with the two necessary firmans, i. e., the one for the Bosphorus and the one for the Dardanelles.

These firmans must henceforth be delivered, by vessels sailing for the Mediterranean, on board a ship-of-war stationed at Galata Point, opposite Gallipoli.

In order that shipmasters may avail themselves of the privilege of not being delayed on their passage home, they must take not only their Bosphorus and Dardanelle-firmans at the same time, but must then pay all necessary dues and fees, and take their receipt at Constantinople previous to their passing up to the Black Sea.

In this way they will avoid the necessity of stopping at the Bosphorus on their return from the Black Sea, except at Cavak, or Buyukdere, to take pratique.

No. 464.

Mr. Brown to Mr. Fish.

No. 43.]

LEGATION OF THE UNITED STATES,
Constantinople, January 18, 1872. (Received February 17.)

SIR: I have the honor to inclose copy and translation of a communication received from the Sublime Porte on the subject of the commerce of Turkish tobacco.

The system proposed by the government, of an excise character, is a new one for this country, and will have an important influence on this branch of the commerce of some countries, in the article of tobacco produced in this empire. I believe there is very little exported to the United States, and yet the subject is one of interest to the mercantile community in general.

I have, &c.,

JOHN P. BROWN.

[Inclosure No. 1—Translation.]

Server Pacha to Mr. Brown.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS.

December 27, 1871.

SIR: I have the honor to bring to your knowledge that, in virtue of a recent imperial *iradet*, (sanction,) the Sublime Porte proposes to supplant by an excise system (*re'jic*) the former mode of taxation still in force for tobacco.

On taking this resolution, the imperial government feels itself authorized by the example of most of the other European governments, as well as by the interests of the cultivation of this plant, and the imperfections and difficulties inherent to the present duties thereon.

In place and stead of the divers duties now in use, the state, hereafter, becomes the purchaser of every kind of tobacco produced on the soil of the empire. For this purpose, commissions of estimations will be appointed, composed of capable individuals, one-half of whom will be named by the government and the other half by the owners, whose business it will be to fix on the spot the saleable prices of the tobacco, according to the list of qualities, or the particular quality of each article offered for sale to the government. By the mode of operation thus laid down the *dime* will be retained, and

the rest be immediately given over into the hands of the proprietor by the functionary of the administration, who will then take possession of the product, so as to dispose of it for his own account, conformably with the dispositions of the regulation which will be drawn up on this point.

In putting thus into practice, with regard to one of the most legitimate matters, principles which experience has everywhere consecrated, the imperial government is, also, certain to protect the interest of the cultivators and of the tobacco, and likewise not to effect in the least the rights and interests of foreign commerce.

The commercial treaties which establish that tobacco may not be subjected to any export duty stipulate in favor of the treasury special reserves with regard to internal legislation. Moreover, the measures adopted by the greater part of European states place this product under an administration of general monopoly, derogatory to the freedom of commerce, of an international character.

Nevertheless, the interest of agriculture in a country producing tobacco such as Turkey, offers opposition to any measure having a tendency to diminish the exportation of this article to foreign countries. The interests of the treasury being thus in harmony with those of foreign commerce, the imperial government has decided that for all that concerns tobacco destined to be exported to foreign lands, merchants desirous of exporting it may always procure the quantities needed by them at the cost prices of the excise, (*règle*.)

Under these conditions the imperial government hopes to be able, soon, to realize resources both new and important, by means of a measure which, while it does not produce any prejudice to agriculture, and no perturbation to foreign commerce, is destined to receive everywhere a favorable reception.

I hope soon to be able to communicate to you the regulations, which are at the present moment being drawn up on the subject. In the mean time, I have deemed it useful to make you acquainted with these new conditions which will be applied to the commerce of tobacco in Turkey, and to prevent any erroneous interpretations which might be given to the intentions of the imperial government, especially with regard to the interests of foreign commerce.

Accept, sir, assurances of my perfect consideration.

SERVER.

No. 465.

Mr. Brown to Mr. Fish.

No. 44.]

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1872. (Received February 21.)

SIR: I have the honor to transmit herewith to the Department a change made by the Ottoman government in the position of the vessel of war stationed at the Dardanelles for the purpose of receiving the firmans of merchant-ships passing downward through these straits.

With great respect, sir, &c.,

JOHN P. BROWN.

[Inclosure No. 1.—Translation.]

Server Pacha to Mr. Brown.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
January 17, 1872.

SIR: As a supplement to my circular of the 22d November, 1871, No. 31344, 25, I have the honor to inform you that, in the view of offering a new facility to navigation, the vessel of the imperial marine, which, conformably with the second article of the regulations annexed to the afore-mentioned note, was to be stationed at Galata Bournou, opposite Gallipoli, (Dardanelles,) has been, from the 1-13 of this month, anchored opposite Lampisens, where heretofore the firmans of commercial vessels procured by them for the passage downward through the straits must be delivered.

I reserve the duty of transmitting you a copy of the instructions delivered by the imperial admiralty to the commander of the vessel appointed for this service.

In the mean time I beg you, sir, to have the goodness to convey this new decision to the knowledge of the citizens of the United States engaged in navigation, and to accept assurances of my perfect consideration.

No. 466.

Mr. Brown to Mr. Fish.

No. 50.]

LEGATION OF THE UNITED STATES,
Constantinople, February 16, 1872.

SIR: The numerous changes which have taken place in the Ottoman government since the decease of the late Grand Vizier Aali Pacha have arrested many of the cases submitted for its consideration. To these I must attribute the delay in the adoption of a decision on the part of the new president of the Imperial Medical College in favor of the American Medical College at Beirut, regarding which you were pleased to address me your dispatch, No. 7, and dated July 31, 1871.

At the request of His Excellency Marco Pacha, the chief physician of the Sultan and the present president of the Imperial Medical College of Constantinople, I recently called upon him for the purpose of discussing the question of the American college aforementioned. I have not been able to induce his excellency to accede to the request of this college to be recognized as an independent medical institution, and authorized to deliver diplomas to its graduates. His excellency, nevertheless, decided to consider it as a branch (succursale) of the imperial college, founded by the Sultan; to defray all of the expenses of its graduates from Beirut to Constantinople and during their stay here, where they will undergo an examination (colloquium) before the faculty of the imperial college for the purpose of receiving diplomas in the name of His Majesty, which will place them on a perfect footing of equality with the graduates of the imperial college, and enable them to claim the right of entering the military and naval service of the government, while, at the same time, they will be free to exercise their profession in private life should they prefer to do so. The imperial college will also render any service in its power to promote the interests and welfare of the American college, of which his excellency stated he had a high estimation. His excellency was also pleased to offer me the assurance that the Ottoman government had decided to make these concessions to the medical college of Beirut in consequence of the friendly interest which you have expressed in its welfare, and so as to promote the benevolent objects of its founders.

The department of state for foreign affairs will shortly communicate to me officially the decision of the Imperial Medical College, so as to enable me to convey the same to you.

I am, &c.,

JOHN P. BROWN.

*Mr. Brown to Mr. Bliss.*LEGATION OF THE UNITED STATES,
Constantinople, February 14, 1872.

MY DEAR SIR: In a previous note, written some time since, I informed you of the position of the question of your college, and of my hope that, in consequence of a letter addressed by the department of foreign affairs to His Excellency Marco Pacha, president of the Imperial Medical College, he would be induced to accede to your request to be authorized to grant diplomas to the graduates of your medical college.

After considerable delay I am now able to inform you of His Excellency's decision learned from himself personally, at an interview which I had with him to-day. In a few days I shall receive it officially, from the Porte, and shall then communicate it to you, and to the Department of State at Washington, in reply to its dispatches to me, the contents of which are known to you.

Marco Pacha allowed me to peruse the decision of the medical college which had been drawn up for transmission to the Grand Vizier. I thus learned that it still refuses to authorize your faculty to grant diplomas. The Beirut college will, however, be constituted as a branch or "succursale" of the Imperial Medical College, and its graduates placed upon the same footing as those of the latter. It will promote its interests by every means in its power, and communicate with it as a branch of itself; and yet without enabling it to issue diplomas in the name of His Sublime Majesty, the Sultan. These only will be delivered here, after an examination or "colloquium," in the imperial college of the capital. To enable the graduates to receive these, the Ottoman government will defray all of the expenses of coming here, during their stay, and return to Beirut.

The examinations will be made as early as possible, and the diplomas granted, free from all fee and expense, in place of the payment of £5, now required of medical foreign graduates, who must, also, undergo an examination here previous to their being allowed to practice their profession in this empire. None of your graduates will be compelled to enter the service of the imperial government, though they will thus acquire a right to claim it in case they so desire. They will be left perfectly free to return to Beirut, after receiving diplomas, to practice the medical profession in private life.

Marco Pacha thought these would prove to be advantages which would remunerate your graduates for the trouble and inconvenience of coming here to receive their diplomas, and desired to impress me with the assurance that they were meant to be an evidence of friendly regard for the Government of the United States, and of consideration toward the founders of the Beirut Medical College.

I need scarcely add that I used various arguments to induce Marco Pacha to authorize your college to grant diplomas to your graduates, but without success. He said that it was impossible for the Ottoman government to recognize a foreign medical college in the empire; and that he did not believe the Government of the United States, or any of the governments of Europe, would do it. To do so, he added, would make a precedent in favor of every school or academy established by foreigners in Turkey, by which they would claim the same right.

The laws of Turkey, he stated, only authorized the Imperial Medical College, established by the sovereign, to grant diplomas; and they even required medical men, coming into the empire with diplomas procured from foreign universities and colleges, to undergo a "colloquium" at the imperial college before being allowed to practice their profession in the country.

Marco Pacha assured me of the strong desire of the Imperial Medical College to encourage the benevolent intentions of the forwarders of the Beyrut college by all the means in its power; that he anticipated great advantages from it to the people of Syria, as well as to your pupils, and therefore felt a sincere interest in its welfare. You are probably aware that his excellency is the principal physician of His Majesty, the Sultan, and that he enjoys his confidence in a very high degree. I must, nevertheless, greatly regret that I have been unable to induce his excellency to accede to your request to grant diplomas to your own graduates. I believe that the department of foreign affairs would have been gratified had his excellency felt it possible to do so. The present arrangement must, I believe, now be considered as a final one, at least for some time to come, and I presume you will also so consider it.

So soon as I receive it in an official form from the department of foreign affairs, I shall transmit it to you; and in the mean time remain, with much respect and regard, your obedient servant,

JOHN P. BROWN.

No. 467.

Mr. Fish to Mr. Brown.

No. 9.]

DEPARTMENT OF STATE,
Washington, March 21, 1872.

SIR: Your dispatch No. 50, of the 16th ultimo, has been received. Your course in behalf of the American College of Medicine at Beirut is approved. The privileges conferred upon that college are doubtless favorable, and apparently all that could be obtained.

I am, &c.,

HAMILTON FISH.
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No. 468.

Mr. Boker to Mr. Fish.

No. 5.]

LEGATION OF THE UNITED STATES,
Constantinople, March 22, 1872. (Received April 19.)

SIR: I have had the honor to receive your dispatch No. 6, and dated the 25th February, addressed to Mr. John P. Brown, in which you are pleased to direct that two copies of the new regulation on the subject of the *règle*, or monopoly of tobacco, be transmitted to the Department.

The legation has just received another communication from the Sublime Porte, on the subject of the *règle*, and inclosing several copies of an official notice, regarding the grant of a concession to certain merchants here, for an exclusive sale of tobacco in the capital and its environs, during a fixed term of years; and I have the honor herewith to transmit to the Department a copy of its note and two copies of its official notice, together with their translations. This concession has been granted to the concessionists for £400,000 a year. So far as I have been able to learn, no other concessions have as yet been granted for the other parts of the empire; but it is believed that these will soon be given, and produce for the government some \$10,000,000 per annum. The prices of tobacco, it is said, will now greatly increase, and be followed by a corresponding amount of smuggling, which is to be prevented, if practicable, by the concessionists.

I have, &c.,

GEO. H. BOKER.

[Inclosure No. 1.—Translation.]

*Server Pacha to Mr. Brown.*SUBLIME PORTE, MINISTÈRE DES AFFAIRES ÉTRANGÈRES,
March 20, 1872.

SIR: As a continuation to my note of the 27th December, 1871, No. 31510, 30, I have the honor to transmit to you herewith some examples of the official notice containing the dispositions adopted by the imperial government in consequence of the *règle* (monopoly) of tobacco which it has established in the capital and its environs.

I beg you, sir, to be so good as to bring these dispositions to the knowledge of the citizens of the United States of America, and to accept assurances of my perfect consideration.

SERVER.

[Inclosure No. 2.—Translation.]

OFFICIAL NOTICE.

The imperial government has just given to concessionists for a fixed term, and under conditions which have been established, the privilege of the *règle* (monopoly) of tobacco, in Stamboul, Galataa, Seutari, and the villages on the Bosphorus, as well as their environs to the distance, by land, of three hours, (nine miles,) of which the names and limits will be designated later, as well as over the islands, (Prince's Islands in the sea of Marmora.) The privilege will be put in force six months from the date of the present notice.

Commencing from the day in which the *règle* will begin to be put in execution, the privilege of the sale of tobacco in all of the places comprised within the circle where the *règle* is enforced will be exclusively enjoyed by the concessionists. No person will be allowed to sell tobacco, or to introduce it into the aforesaid places. In case of importation the owner of the tobacco introduced will be obliged to sell it to the concessionists; and, in case of his not being able to agree with these on the price, he must transport his tobacco beyond the limits of the concession.

Any tobacco introduced contrary to this prohibition, in contraband, within the limits of the concession, will be immediately seized upon. The smuggler will, moreover, be liable to a fine.

Wholesale or retail dealers in tobacco are obliged to sell all of the tobacco which they may have deposited within the limits of the concession, up to the period wherein the *règle* shall come into force, that is to say, within the term of six months from the date of the present notice. At the expiration of this term merchants must sell the tobacco remaining on their hands to the concessionists, at a price agreed upon. In case that they do not agree upon the price, the said merchants must transport their tobacco beyond the limits of the concession, within which the sale of it is forbidden them.

So as to facilitate the entire sale of the tobacco actually within the limits of the circle of the concession, up to the expiration of the aforementioned term of six months the introduction of tobacco within the circle is forbidden, from this day, to any other persons exclusive of the concessionists. Nevertheless tobacco embarked up to one month from this date may be introduced in the places where the system of the *règle* is to be carried out, and sold up to the expiration of the term of six months, that is to say, to the 1st of next September.

Dealers in tobacco who possess a *guidik* (special permit from the guild of tobacco-nists) will have the right of buying tobacco from the concessionists, giving to them, however, necessary guarantees, and to sell at a price agreed upon. These merchants, must be provided, as before, with a *tezkerch* (permit) from an *esnof*, (guild.)

CONSTANTINOPLE, *March* 1—13, 1872.

No. 469.

Mr. Boker to Mr. Fish.

No. 6.

LEGATION OF THE UNITED STATES,
Constantinople March 24, 1872. (Received April 25.)

SIR: I have the honor to transmit to the Department a translation of a communication received from the Sublime Porte, together with a copy (and a translation) inclosed therein of a new law made by the Ottoman government, in the organization and attributes of its civil, correctional, and criminal courts of Constantinople.

Up to the present period the Ottoman government has not had any distinct tribunals of this character other than those based upon holy Islam law and the police department. Their absence has, heretofore, been much felt, and the present law fills up a vacuum, so to speak, in the Ottoman courts. Besides the court of the "Sheik ul Islam," a religious chief of the Mussulman religion, and the minor tribunals of the same character, called "Mekenehs," presided over by *caadies*, there are others, based upon the French system, for the trial of commercial and maritime suits. All criminal and correctional cases came before the police department of the capital, whose attributes were ill-defined.

The capital and its suburbs are now divided into "*carinnmacamliks*" and "*mutesarifliks*," in the same manner as the provinces, somewhat resembling "mayoralties" and "wards" in the United States, the highest authority over which is the supreme council of justice, sitting as the Sublime Porte. This new system is a decided improvement over the old, and excellent results may be expected from it.

It only remains to be said that, at the present date, there are twenty-three Turkish piasters to one dollar.

I have, &c.,

GEO. H. BOKER.

[Inclosure No. 1.—Translation.]

Server Pacha to Mr. Brown.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
 March 30, 1872.

SIR: I have the honor to transmit to you herewith, together with their translation, some copies of the new law, already promulgated by an imperial ordinance, concerning the organization and the attributes of the civil, correctional, and criminal courts of Constantinople.

Accept, sir, assurances of my perfect consideration.

SERVER.

[Inclosure No. 2.—Translation.]

LAW ON THE ORGANIZATION AND THE ATTRIBUTES OF THE CIVIL, CORRECTION, AND CRIMINAL TRIBUNALS OF CONSTANTINOPLE.

CHAPTER I.—TRIBUNALS OF FIRST INSTANCE.

ARTICLE 1. The tribunals of first instance are divided into two classes, viz, those of the canton and those of the ward.

The tribunals of the canton sit in the principal places of the cantons, (carinmacamlıks,) and those of the wards in the chief places of the mutesarifliks of Constantinople and its suburbs.

FIRST CLASS.—*Tribunals of the canton.*

ARTICLE 2. A tribunal of the canton of first instance sits in the chief places of the carinmacamlıks of Constantinople. It is composed of a president, two members, a judge-auditor, and a sufficient number of clerks and constables.

ARTICLE 3. The said tribunals cannot proceed to the examination of suits, except when the president and the members are assembled.

ARTICLE 4. In the absence of the president, the eldest of the members shall take his place. In case that one of the members be absent, or fills the place of the president provisionally, he will be replaced by the orders of the magistrate presiding, by the judge auditor.

ARTICLE 5. Beyond the affairs which are within the competency of the tribunals of the cheri, (holy law,) or may belong to the religious authorities of the non-Musulman communities, or, indeed, those which are to be examined by special councils and tribunals, the cantonal tribunals of first instance will decide definitely on affairs amounting to 1,000 piasters, or on an annual revenue of 100 piasters, or also on facts calling for an imprisonment of from twenty-four hours to one week, or a fine of five majdikis in silver as a maximum.

ARTICLE 6. The tribunals will take cognizance on appeal of suits amounting to the sum of 5,000 piasters, or an annual revenue of 500 piasters, or crimes calling for an imprisonment of three months, or a fine of 5 Ottoman pounds. They will also draw up the primary acts of examination in criminal matters.

CLASS II.—*Tribunals of the wards (arrondissements) of first instance.*

ARTICLE 7. There have been instituted two tribunals of wards in Stamboul, a third in Pera, and another in Sentary. Each tribunal of a ward is divided into two sections, one of which is civil and the other correctional.

ARTICLE 8. Each of these sections is composed of a president and two members, to whom are adjoined two judge-auditors and a sufficient number of clerks and constables.

ARTICLE 9. The tribunals of the wards of first instance will hold their sittings conformably with the dispositions of the third and fourth articles aforementioned.

ARTICLE 10. A special regulation will determine the attributions of the judge-auditors, and the clerks, (greffiers,) insomuch as relates to the examination of the suits, and the reduction of the papers concerning them.

ARTICLE 11. The functions of the constables (huissiers) consist in the summons and the judicial notices. A special regulation will determine the forms.

1°. *Attributions of the civil sections of the tribunals of the wards.*

ARTICLE 12. Are not subject to appeal, judgments rendered by the civil sections to the sum of 5,000 piasters, or a revenue (annual) of 500 piasters. It is not allowable, moreover, to make appeal against the decisions of these sections in causes which.

though inferior in principle to the aforementioned sum, would surpass it by adding the interest. The same will be the case when the defendant will, on his side, put forward against the principal action a demand in offset, of a value inferior to the aforementioned sums, and which when joined together the two claims would surpass them.

2°. Attributions of the correctional sections of the tribunals of the wards of first instance.

ARTICLE 13. The attributions of the tribunals of the wards will consist in a recognition in first instance of the offenses and crimes which may have been committed within the full extent of their jurisdiction, and to removal to the criminal courts, the facts which establish crimes limiting themselves to acts of examination. The correctional sections will decide, without appeal, on cases of three months' imprisonment, and five Ottoman pounds fine.

CHAPTER II.—COURTS OF APPEAL.

1°. Organization and attributions of courts of appeal.

ARTICLE 14. There has been instituted a court of appeal, which will hold its sessions near the supreme court of justice. The court of appeal will take cognizance, on the demand of the party interested, of the judgments in civil matters given in first instances by the tribunals of the canton and the ward of Constantinople and its suburbs.

ARTICLE 15. The court of appeal is composed of a president, of four members, and of five judge auditors, to whom will be added a sufficient number of clerks and constables.

ARTICLE 16. The civil tribunals of first instance, and of appeal, will conform to the principles and dispositions of the supreme court of justice for the examination and hearing of suits.

2°. On the organization and the attributions of the correctional and criminal courts.

ARTICLE 17. There has been instituted at the prefecture of the police a court divided into two sections, the one criminal and the other for the appeals in correctional matters.

ARTICLE 18. The criminal court takes cognizance of all facts which may arise in criminal matters in Constantinople and its suburbs.

ARTICLE 19. It is composed of a president and four members, to whom will be added a sufficient number of judge-auditors, of judges of instruction, and of clerks.

ARTICLE 20. The correctional court will take cognizance in appeal, on the demand of the party interested, of judgments rendered in correctional matters of first instance, by the tribunals of the canton and the ward.

ARTICLE 21. The correctional court is composed of a president, of four members, of a sufficient number of judge-auditors, of judges of instruction, and of clerks.

ARTICLE 22. The correctional and criminal courts will conform to the dispositions of the IVth chapter of law promulgated the 21st of Zillaadeh, 1286, concerning the tribunals of Constantinople, and Chapter III, of the supreme court of justice, for the instruction and examination of suits.

CHAPTER III.—COURT OF CASSATION.

ARTICLE 23. The court of cassation (appeal or annulment) will sit near the supreme council of justice, composed of two sections—one for civil matters, and the other for criminal and correctional matters. It is submitted in its organization to the principles and dispositions of Chapters I and III of the law of the supreme council of justice.

ARTICLE 24. The civil, criminal, and correctional courts, which are the object of the present law, being placed under the dependence of the department or ministry of justice, the choice and the nomination of their president and their members will take place by an imperial ordinance on the report of said ministry.

ARTICLE 25. The dispositions of the law promulgated the 21 Zilcadé, 1286, on the tribunals of Constantinople and its suburbs, which are contrary to the present, are, and remain, annulled.

The date of the imperial ordinance issued for the execution of the present law—

The 21 Ramazan, 1288, or November 21, 1871.—(O. S.)

No. 470.

Mr. Fish to Mr. Boker.

No. 18.]

DEPARTMENT OF STATE,

Washington, April 29, 1872.

SIR: The Department has received your telegram, announcing the sudden death of Mr. J. P. Brown, the secretary of legation and dragoon. He had been so long attached to the legation, and had meanwhile made so few visits home, that his friends and acquaintances in this country could not have been numerous, and were in a great degree persons who had visited Constantinople. He is believed to have been an officer who, at least in industry and attention to his duties, has, so far as I am aware, been unexceptionable. It will be difficult to find a native of this country in some respects as well qualified as Mr. Brown was for the position. You will, of course, make such temporary arrangements to supply his place as may be available. I will also thank you to offer my sympathies for their bereavement to the family of the deceased.

I am, &c.,

HAMILTON FISH.

No. 471.

Mr. Fish to Mr. Boker.

No. 33.]

DEPARTMENT OF STATE,

Washington, July 22, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews, in the principalities of Moldavia and Wallachia, were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power, pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering, directly or indirectly, in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of the Ottoman Empire, in such a way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 472.

Mr. Boker to Mr. Fish.

[Extract.]

No. 43.]

LEGATION OF THE UNITED STATES,

Constantinople, August 20, 1872. Received September 11.)

SIR: I have the honor to say, in reply to dispatch No. 33, from the Department of State, relating to the inhuman persecutions of the He

brews in the principalities of Moldavia and Wallachia, that yesterday I had an interview with the Turkish minister of foreign affairs, in which I represented to him the sentiments of the Government of the United States, and presented him with a copy of the dispatch just mentioned. In reply to my inquiries the minister said that the prejudice against the Hebrews was confined to the people of Roumania, and that it was in no way shared or countenanced by the Roumanian government nor by the Sublime Porte. The present minister of foreign affairs, Safvet Pacha, holds a temporary appointment, which he will resign on the arrival of Djemil Pacha, in favor of the latter. * * *

Finding that I could neither receive nor impart knowledge in this quarter, I applied to the mustichar, or under-secretary, of the former government. By him I was assured that on the first remonstrance made by the great powers of Europe regarding the persecutions of the Hebrews in Roumania, strong representations had been made by the Ottoman to the Roumanian government, and that all which the former could do had already been done to prevent a recurrence of these disgraceful popular outbreaks. * * *

It therefore seems a little unjust to charge the sins of Roumania against Turkey, in which the latter feels that she has no more moral responsibility than for the social enormities committed in our Territory of Utah. It is said here that the anti-Hebrew riots in Moldavia and Wallachia were fomented by intrigue, in order to prove to Europe that there could be no safety for person or property in the principalities, save under a strong government, into whose waiting paternal arms it is hoped that this fair country will one day drop by the well-recognized law of national gravitation.

When Mr. Costaforo, the Roumanian minister of foreign affairs, was in Constantinople on business relating to the persecution of the Hebrews in his country, in an interview which I had with him, he assured me that the government sincerely desired to protect all classes of its subjects, and that it would be its effort to prevent hereafter a recurrence of any kind of riots in the principalities. Mr. Costaforo is now out of office, but I have received the same assurances lately from Prince Ghyka, the Roumanian diplomatic agent in Constantinople.

As for the past persecutions, bad as they really were, their violence has been greatly exaggerated by *ex-parte* statements. I have read, through the courtesy of the British ambassador, a report just made by the British vice-consul at Bucharest, Mr. St. John, a judicious gentleman, in which he bears testimony as to the exaggerated character of the early reports. For example, as a correction of what was then reported as matter of fact, Mr. St. John says that it now appears, from incontestable evidence, that during the whole of the anti-Hebrew riots no Hebrew was killed and no Hebrew woman was violated. To prove that Mr. St. John is an impartial witness, he says, on the other side of the question, that although the Hebrews were found with the church property, said to have been stolen by them, in their possession, and although they confessed the theft, they were persuaded to make that avowal by torture—a facility toward unreserved communication still in use with the Roumanian courts, to their shame be it said, in the face of the nineteenth century. I am happy to be able in some degree to mitigate the tragical character of the first reports which were made concerning the persecutions, and all true friends of the Hebrews will rejoice that their sufferings were not so great as they appeared to be to excited spectators of the scenes. Only prejudiced partisans, who desire the Roumanian

government to receive more than just odium for its censurable weakness, would have the facts otherwise.

About the season of Easter anti-Hebrew riots are looked for, as a matter of course, throughout the Turkish empire. It is a relic of the superstition, commemorated in our ancient ballad of "Thomas o' Reading," that at Easter the Hebrews have a custom of immolating a living Christian child. The consequence is that if any Christian should disappear about that period—and the latitude is very great as to the time, and the Christianity of the supposed sufferer—a riot against the Hebrews is the inevitable consequence. This year there were such riots in the islands of the Sea of Marmora, in Smyrna, and in various parts of Russia.

* * * * *

I have, &c.,

GEO. H. BOKER.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE
AND THE UNITED STATES CONSUL AT BUCHAREST RELATIVE
TO THE PERSECUTION AND OPPRESSION OF ISRAELITES
IN ROUMANIA.

No. 473.

Mr. Peixotto to Mr. Hunter.

[Extract.]

No. 11.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, October 6, 1871. (Received Nov. 2.)

SIR: * * * * *

Concerning the persecution of the Jews, I am pleased to say that the action of our Government has realized, thus far, the moral influence it was hoped my appointment and acceptance of the position would exercise.

My official reception by the prince, as I have already communicated, was most gracious. The sentiments of humanity he was pleased to express have been practically carried out in a more jealous regard for, and protection of, the rights of the oppressed Israelites. While it has been impossible to restrain prejudices fostered by designing men, mostly for political ends and in many instances for the purposes of robbery, every attempt at open violence has been promptly quelled and effective measures taken to prevent outrage.

The actual cabinet of His Highness are in perfect accord with his humane and enlightened sympathies, while no previous legislature has exhibited such marked appreciation of a question which affects in so vital degree the moral and material interests of the land. The best hopes are cherished by the friends of order and stability for the realization of the emancipation of the Jews, and of a more just and enlightened policy toward strangers.

I am, sir, &c.,

BENJ. F. PEIXOTTO,
United States Consul.

No. 474.

Mr. Peixotto to Mr. Hunter.

[Extract.]

No. 18.]

CONSULATE OF THE UNITED STATES,
Bucharest, February 6, 1872. (Received March 5.)

SIR: I have to inform you that accounts have reached here of deplorable scenes which have recently transpired in several towns of Bessarabian Roumania, and especially at Ismail, Vilcovu, and Cabool.

The population had rushed upon the Israelites, devastated their homes, and blood had been shed.

Hundreds of families had been beaten, despoiled, and driven forth. Hundreds had fled across the Danube for refuge in Turkey.

* * * * *

I am, sir, &c,

BENJ. F. PEIXOTTO,
United States Consul.

No. 475.

Mr. Peixotto to Mr. Hunter.

No. 19.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 7, 1872. (Received March 5.)

SIR: The origin of the serious riots against the Israelites of Ismail, Vilcovu, and Cabool is attributed to a report circulated in the former town, of a theft and profanation committed by an alleged Israelite in the cathedral of Ismail.

The thief is reported to be a baptized Jew, a deserter from the Russian army, and but three months resident in the town.

He has implicated the rabbin, the president, and other elders of the Jewish community, as accomplices, who, though resident for long years in the town, and bearing hitherto an unimpeachable character, have been arrested and thrust into prison.

The consul of Austria reports sixty houses demolished in the Jewish quarter. The Greek consul is reported to have restrained his subjects from participation in the outrages.

The Austrian and English consul and agent report that the Russians and Bulgarians, who form the principal part of the inhabitants, were the chief promoters.

I am, sir, &c.,

BENJ. F. PEIXOTTO,
United States Consul.

No. 476.

Mr. Peixotto to Mr. Hunter.

No. 20.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 8, 1872. (Received March 5.)

SIR: Ismail contains a population of 20,000, of whom 2,000 are of the Hebrew faith. The assault upon the Israelites was commenced on the

evening of the 24th of December, and lasted three days; another account says seven.

During this time the houses of the Israelites were broken into, the inmates beaten and driven forth, valuables robbed, the furniture destroyed, and the premises gutted. One hundred families took refuge in Tultscha, on the opposite Turkish shore. Some few found an asylum on board the Austrian national ship Pest; others fled to the fields. The Austrian subjects were protected at their consulate, except the rabbin, who was arbitrarily carried off and imprisoned. The consul-general of Austria, resident here, has made a demand for his liberation.

Dispatches received here this evening confirm accounts of similar outrages at Vilcovu and Cabool. Thirty families of the former place are reported as plundered, driven from their homes, and exposed to the rigors of the season.

At Cabool the Israelites defended themselves, taking refuge finally in the barracks; two are reported killed, ten to twelve wounded. The excesses appear to be spreading, and are said to be instigated by enemies of the government.

I am, sir, &c.,

BENJ. F. PEIXOTTO,
United States Consul.

No. 477.

Mr. Peixotto to Mr. Hunter.

No. 21.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 9, 1872. (Received March 5.)

SIR: Since writing dispatch No. 20, of yesterday morning, I have received several letters and telegrams from the Jewish communities of Ismail and Vilcovu, imploring the good offices of this consulate with the central government in behalf of the defenseless and wretched Jewish inhabitants, who appear to be still suffering from outrages and exposed to violence. A deputation of the Jewish community of Bucharest has also waited upon me with a like prayer in behalf of their unfortunate co-religionists.

I immediately called on the authorities and made known the contents of these communications.

Similar appeals were made to other consuls. At 2 o'clock to-day a meeting of the representatives of all the foreign powers was held at the British consulate-general, when it was resolved to address a *note identique* to the Roumanian government.

I have the honor to inclose a copy of said note. It was concurred in by all the consul-generals present. In the absence of the consul-general of Prussia, the vice-consul telegraphed to Prince Bismarck for instructions.

Later I had an interview with the prince and the ministers of interior and justice, from all of whom I received assurances that effective measures were being taken, and that the ends of justice would be subserved.

I am, sir, &c.,

BENJ. F. PEIXOTTO,
United States Consul.

[Translation.]

Mr. MINISTER: I have learned with regret the deplorable scenes which are said to have taken place some days since in the towns of Ismail and Cabool.

The population had rushed upon the Israelites, devastated their homes, and blood had been shed.

I beg to call without delay the attention of the actual government on the serious dangers which would arise if these troubles should be renewed or extended, and on the necessity of punishing the authors and repressing all interior disorders, and particularly the arbitrary violences to which the Israelite race has so often been subjected, and which have several times justified the remonstrances of the European governments.

I am convinced that the Princier government will prevent, by its energy, the recurrence of all vexations against the Israelites, and vindicate thus the principles of humanity and civilization.

Receive, Mr. Minister, the assurance of my high consideration.

BENJ. F. PEIXOTTO.

No. 478.

Mr. Peixotto to Mr. Hunter.

No. 22.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 10, 1872. (Received March 9.)

SIR: A deputation sent by the Jewish inhabitants of Ismail waited upon me this morning, and, presenting a very detailed and circumstantial account of the recent violences perpetrated in that town, besought my intercession in behalf of their still suffering and imperiled condition.

The deputation, composed of intelligent men long resident in Ismail, stated that for more than "five years the Israelites of the country had been repeatedly subjected to similar acts of barbarism, and to this day no redress had been obtained.

"In depths of despair they presented themselves to the representatives of a Government distinguished the world over by its justice, enlightenment, and humanity, believing that their unhappy condition might be alleviated should an effort be made in their behalf.

"That it rested with the central government to adopt such measures as would not only suppress the present violence, but, by punishment of the guilty and indemnity to the innocent, (never hitherto practiced,) serve as an example and be security for the future."

I replied that, anxious as my Government was to see the inhabitants of every land protected in their lives and property, and a stop put to persecutions that disgraced humanity, I could not officially interfere in the internal affairs of the country, unless the rights of an American citizen resident herein had been invaded; that I had been told this was the case a few days ago respecting one of the persons illegally arrested in Ismail, but upon investigation had learned otherwise.

Nevertheless, there were certain principles which all governments were bound to respect, and when these were outraged nations were concerned to see the barbaric land brought within the pale of civilization. But interference to this end was of the most delicate of all proceedings, and was to be guarded with jealous circumspection.

Happily the good relations which I had the honor to hold with the government of the Prince might permit me to speak in their behalf without being misconstrued, and this I would do. At a later hour I saw the minister, and, at my request, an interview was granted to the deputation, to whom he listened with great attention, and at the close

requested their communication should be reduced to writing and signed, and he would on the basis thereof grant their prayer in so far at least as the appointing of a special commission. He added that strict investigation should be made, impartial justice rendered, and the guilty punished.

To the extent of his authority he remarked he was resolved to put an end to the persecutions of the Israelites, and those who were culpable of inciting or practicing such should be made to suffer.

As presenting their version of the affair, I have the honor to inclose a copy of the petition (translated) presented by the deputation to the minister.

I am informed that tranquillity has been restored, and a sufficient military force present to maintain the peace.

I am, &c., &c.,

BENJ. F. PEIXOTTO.

[Inclosure.]

Copy petition addressed to the minister of home affairs.

BUCHAREST, February 10, 1872.

MR. MINISTER: The undersigned, a deputation sent from the Jewish community of Ismail, come to submit to your excellency the following facts respecting the deplorable events which have transpired at Ismail:

On the 24th of December (5th January, N. S.) a rumor was spread in the city of a theft of some 100 ducats and two small spoons having been committed in the cathedral of the town, and of the church having been profaned by the wretch who had perpetrated the robbery. Suspicion falling immediately on an individual called Jacob Silber, a renegade Israelite of Lithouania, who, deserting the Russian army, had come to Ismail some three months previous and was working at a tailor's. This renegade, on being arrested, first deposed that he had committed the crime in an understanding with his master, the tailor, and that the stolen objects were hidden in the store of the house of the latter. The premises being thoroughly searched, nothing was found, but the tailor was nevertheless arrested. At length the thief, for reasons he probably could best explain, made a second declaration, in which he charged that he had committed the theft at the instigation of Mr. D. Goldschlaeger, who, on the day of the robbery, he said, had told him, "Go to the church, steal the holy objects, bring them to me, and I shall make you the richest man in the city, and you shall be a saint with the Jews." After this declaration the said Goldschlaeger, one of the prominent merchants of that place, known since fifteen years as an honorable and honest man, was seized, kept four days in the police, and then thrown into prison, where he lies since; and being a feeble and sickly man, is in imminent danger of life. Mr. Goldschlaeger, the day when the thief alleged he had met him taking a walk and told him to go to commit the crime, had just come home from the residence of the undersigned Goldenberg, where, in deep bitterness, he had, according to the prescription of our religion, mourned over the loss of a beloved child just deceased of angina diphtherica. This fact is attested by four witnesses. Moreover our rabbi was and is still imprisoned because, as it is alleged, the stolen objects were found in the latrines of the Chan Pascatoirtz, where live about forty families, and where happened also to live the rabbi. This is the only ground upon which his arrest has been made.

We therefore implore you, Mr. Minister, to set free these two innocent men, for whom the whole city is ready to give the utmost guarantee.

A certain Dropulo, interpreter at the police, who came to ask money from the Jews, threatening that otherwise he would denounce them as accomplices, in consequence of which some Israelites gave him, out of fear, one, two, and three Napoleons each, is the man whom we suspect that, for motives of extortion, has instigated the thief to denounce Mr. Goldschlaeger as accomplice, knowing that money could be gained for setting him free. It is evident, Mr. Minister, that the whole story has been invented to be used against the Israelites and provoke the barbarous scenes which continued for seven days. Many houses have been not only plundered of their contents, but even demolished; many families have fled to Tultscha, while others have been driven forth into the streets. Those of the rioters who were arrested were set free the same day. In spite of the energy displayed by the prefect of police and Lieutenant Sparlea, the small force of soldiers could only guard one street, while in others the mob had free

scope to act with all the fury of fanaticism against the Israelites, who, far from being guilty of any offense, were totally ignorant of the cause of their maltreatment, having no knowledge even of the alleged theft and profanation.

The arrest of the most honorable members of our community only served to inflame and encourage the mob to fresh excesses.

Mr. Minister, we pray you to set at liberty the two innocent and unfortunate men, for whom every guarantee required will be given, and send a commission to investigate the whole matter in a serious and impartial manner. Only such an examination will discover the guilty and indemnify the innocent.

Hundreds of families are naked and shelterless, mothers and children are living in the open fields, exposed to the severities of the season, while numerous persons are threatened with starvation.

Help quick, and God will help you.

Receive, Mr. Minister, together with our tears, the assurance of our most profound respect.

THE ISRAELITE DEPUTATION FROM ISMAIL.

No. 479.

Mr. Peixotto to Mr. Hunter.

[Extract.]

No. 23.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 12, 1872. (Received March 12.)

SIR: The consul of Germany has called to inform me that he last evening received a telegram from Prince Bismarck, instructing him to sign the note addressed to the Roumanian government concerning the persecution of the Israelites, copy of which I had the honor to inclose and refer to in my dispatch No. 21, of the 9th instant.

* * * * *

I am, &c., &c.,

BENJ. F. PEIXOTTO,
United States Consul.

No. 480.

Mr. Peixotto to Mr. Hunter.

[Extract.]

No. 25.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 15, 1872. (Received March 15.)

SIR:

* * * * *

The Government has sent a special commission to investigate the affairs at Ismail.

I am, &c., &c.,

BENJ. F. PEIXOTTO,
United States Consul.

No. 481.

Mr. Peixotto to Mr. Hunter.

[Extract.]

No. 26.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, February 27, 1872. (Received March 26.)

SIR: Yesterday I was waited upon by a deputation from the Israelites of Cabool, who besought my good offices near the Roumanian government, in order that they might present the petition, copy of which, translated from the Roumanian, I have the honor herewith to inclose. I procured the interview desired, and the minister, having carefully read the same, and interrogated the deputation, promised to grant the prayer of the wretched supplicants.

* * * * *

I am, &c., &c.,

BENJ. F. PEIXOTTO,
United States Consul.

Inclosure: Petition of the Israelite delegates from Cabool to the Roumanian government.

Traduction from the Roumanian of the petition presented to the government of Roumania on Monday, February 26, 1872, by a deputation sent by the Israelites of Cabool.

MR. MINISTER: The undersigned, delegates from the part of the unfortunate Israelites of Cabool, come to unfold before you the sinister tableau of the direful facts which have occurred in that town.

After the pillage committed at Ismail, several persons came from there and commenced to say, publicly, that they were going to imitate the inhabitants of Ismail, and kill all the Israelites of the place. I, the undersigned, Archer Gold, went immediately to the prefect Craciunerceo, telling him what I had heard, and mentioning Mr. F. Vaculpulo, who had distinguished himself most by threatenings. The prefect calmed my apprehensions, promised to take immediate measures, and sent out into the streets some fifteen soldiers. The next day, Wednesday, the 19th of January, the threatenings and the noise increased. I repaired again to the prefect, but received the answer that he had left town.

I then went to see the chief of police, whom I implored to take measures. On Thursday a Russian stopped a Jewish woman in the street, saying that he had orders from the government to beat her. The chief of police wanted to arrest the man, but a Greek, called Spiru, rushed upon him, crying, "Who has given you the right to arrest a citizen?" and threatening him with blows. The chief of police was forced to release the Russian. On Friday and Saturday the Israelites, to avoid conflicts, abstained from going to their synagogues.

Sunday the commissioner of police came to me to ask money. I sent my son to collect some among the Israelites, when he returned, out of breath, and told us that they had commenced to beat the Jews in the streets.

Bands of fifty and one hundred suddenly gathered before my house, some of them being furnished with revolvers. Seeing that I and my sons were armed, and resolved to defend ourselves to the utmost, they retired. The evening the commissioner came to ask me to leave the house, as the mob intended to put fire to it.

In a neighboring house there were also assembled some armed Jews. One of them fired on the mob, who threatened with destruction all who were within. Two persons were wounded, one dangerously, the other in the foot. The Israelite who had thus defended himself was arrested, and is still lying in prison.

During this time the soldiers of the garrison summoned the Israelites from their houses and were taking them to the barracks. But while they were escorting them thither there happened the most barbarous cruelties, the account of which alone is enough to make the heart shudder. Through the ranks of the soldiers who surrounded the Israelites rushed on the fanatics, armed with sticks, splitting open the heads of some, breaking the arms of others, wounding a great number, and perpetrating other unheard-of crimes, without the soldiers making any movement toward defense. The way to the barracks was marked with the smoking blood of the unhappy victims.

In the barracks gathered more than one thousand Israelites, who remained there for

three days without food. The dreadful anguish of mind caused two pregnant women to be prematurely confined in midst of the crowded multitude. The husband did not know of his wife, the parent his child. An apathy, touching dementia, prevailed, heart-rending to behold. One evening the commander came to tell the wretches that the mob were going to fire through the windows, and advised them to bend down to the floor in order not to be struck by the balls; and yet the soldiers did nothing to defend them; not one gun was discharged against those who manifested their deadly purpose.

While the Israelites were lying in the barracks, their homes, exposed without protection, were completely devastated. The doors were forced open, the windows broken, the ceilings destroyed, the floors pulled up; they broke the furnitures, demolished the walls, plundered and carried away all valuables. Our goods and our money are in the possession of the robbers. At a certain Mr. Holban's (lawyer) many objects have since been found hidden. Our synagogues were devastated and converted into cess-pools, and the holy books torn and thrown into the filth. Now the misery is at its height. Those who some days previous were well off are now reduced to extreme poverty. Their houses are in ruins; they are lacking their daily bread, shelter, and clothing to protect them against the cold. Hundreds are lying upon straw with their bleeding wounds. The two daughters of a poor widow were violated in a most brutal manner.

The authorities did nothing to prevent the excesses. The procuror of Fokshans refuses even to look at the damages. The proprietor, Karavassile, who had offered us 1,500 ducats to sign a declaration stating that the Greeks had taken no part in the riot, gave a ball to the procuror, which seems to have completely changed his feelings.

The Russians were constantly saying that they had received orders from the government to kill all the Jews; others said they had these orders from the Russian consul. The garde-frontiers, who had gone with their sergeant-major Florescu to Leova, maltreated the Jews in every village they passed through, stating that the government had sent them orders to this end.

The local administration we believe to be accomplices in the riot, for the slightest attempt to repress the mob would have been successful, as was evidenced at Chilia, where nothing but the whip of the chief of police had the effect of putting to the rout those who had gathered for a similar purpose.

We estimate the losses sustained by our community at 40,000 ducats. Our sufferings have been intense; we feel how inadequate we are to express the misery we have endured; we come to you, Mr. Minister, for justice. We ask that a *special commission*, composed of citizens of Bucharest, in whom the government reposes confidence, be selected to visit our town and make an investigation, both with reference to the facts we have here but feebly portrayed, as well as to ascertain the amount and character of our losses, that the guilty may be punished and we innocent sufferers of wanton brutality indemnified. In the name of our brethren exposed to similar acts, we also invoke that a law be presented to the now sitting chambers, holding each community responsible for similar acts of vandalism.

We implore prompt action of the government; only such can rescue us from and prevent recurrence of misfortunes. In the name of God, in the name of our frenzied wives, our weeping children, our starving, shelterless multitude, we ask, we demand this justice.

We come, charged by our community, who yet repose confidence in the humanity and virtue of our Prince and in you, Mr. Minister, in whose hands rests the administration of the internal affairs of the country.

With profound respect,

ARCHER GOLD,
MICHEL GOLD,

Delegates sent from the Israelite Community of Cabool.

No. 482.

Mr. Hunter to Mr. Peizotto.

No. 26.]

DEPARTMENT OF STATE,

Washington, April 1, 1872.

SIR: Your dispatch No. 26, of the 27th of February last, has been received. Your proceedings in presenting the petition of the Israelites of Cabool to the Roumanian government are approved.

I am, sir, &c.,

W. HUNTER,
Second Assistant Secretary.

No. 483.

Mr. Fish to Mr. Peixotto.

No. 28.]

DEPARTMENT OF STATE,
Washington, April 10, 1872.

SIR: Among the large number of Israelites in this country there are probably few whose sympathies have not been intensely excited by the recent intelligence of the grievous persecutions of their co-religionists in Roumania. This feeling has naturally been augmented by the contrast presented by the position of members of that persuasion here, who are equals with all others before the law, which sternly forbids any oppression on account of religion. Indeed, it may be said that the people of this country universally abhor persecution anywhere for that cause, and deprecate the trials of which, according to your dispatches, the Israelites of Roumania have been victims.

This Government heartily sympathizes with the popular instinct upon the subject, and while it has no disposition or intention to give offense by impertinently interfering in the internal affairs of Roumania, it is deemed to be due to humanity to remonstrate against any license or impunity which may have attended the outrages in that country. You are consequently authorized to address a note to the minister of foreign affairs of the principalities, in which you will embody the views herein expressed, and you will also do anything which you discreetly can, with a reasonable prospect of success, toward preventing a recurrence or continuance of the persecution adverted to.

I am, sir, &c.,

HAMILTON FISH.

No. 484.

Mr. Peixotto to Mr. Hunter.

[Extract.]

No. 28.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, April 5, 1872. (Received April 25.)

SIR: I have the honor to inclose the reply, with translation, of the minister of foreign affairs to my note of February 9, which I had the honor to transmit to you in my dispatch No. 21.

A precisely similar response has been received by each of the other consuls.

The procuror-general, referred to in the minister's note, has returned and made a report to the government. He has permitted me to see this report. After making a careful investigation, he completely exonerates every Israelite from any participation whatsoever in the alleged theft and desecration of the church. The evidence he obtained shows it was committed by a renegade from the Russian army, an apostate, who had resided but three months in Ismail, and who, by his own confession, made in open court, has been three times convicted in Russia of crime.

Notwithstanding this report the five Israelites arrested, including the rabbin and president of the community, are still confined and committed to stand trial as common felons on the 15th instant.

Forty-six of the principal rioters of Cabool have, in the meanwhile, been liberated. The knowledge of this fact, transmitted to the cabinet

at London, has caused Lord Granville to send a second dispatch to the English consul, instructing him to again remonstrate with the government.

It seems to be every day more apparent that nothing but the direct intervention of the foreign powers, who have the right under the treaty of Paris, will put an end to the internal disorders resulting from the serious persecutions of the Hebrews.

I am, sir, &c.,

BENJ. F. PEIXOTTO,
United States Consul

[Translation.]

MINISTRY OF FOREIGN AFFAIRS, No. 1142.
Bucharest, 7-19th February, 1872.

MR. CONSUL-GENERAL: Before the receipt of the note which you were pleased to address me on the 9th of February, No. 126, the government of the prince was aware of the deplorable events which had transpired at Ismail and Cabool, and it had made it a point to repress them with all the energy which was demanded by the principles of order, humanity, and civilization.

I am the first to condemn, Mr. Consul-General, the acts of violence of which the population of said towns have been guilty toward the Israelites. It seems to me, however, just, if we are to form an impartial judgment in relation to the event in question, to search for the cause which gave rise to the excitement of the population. It is now clearly shown by the examination which has been made that these disorders only took place in consequence of an impious and audacious theft committed by Jews in the cathedral of the town of Ismail.

The gravity of these two facts renders it our duty to search, with all necessary impartiality, for the parties who were guilty of the theft, and for the ringleaders in the disorders, so as to proceed against them with equal vigor. To this effect we have already sent the attorney-general of the court of appeals of the capital to the spot.

Not being for the moment in a position to know all the details of the affair in question, I shall, before communicating them to you, Mr. Consul-General, await the subsequent results of the examination, which is now being actively prosecuted. But I do not hesitate now to add, that measures have been taken to insure the respect due to the law, and that the government is firmly resolved to combat all elements of disorder wherever they may be found.

Receive, Mr. Consul-General, the assurance of my high consideration.

G. COSTA-FORO.

No. 485.

Mr. Peixotto to Mr. Hunter.

No. 30.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, April 19, 1872. (Received May 13.)

SIR: On Monday, the 15th instant, at Buzéo, the five Israelites, including the rabbi and the president of the community, accused as accomplices of the thief Silberman, were tried and condemned to three years' imprisonment.

This verdict was given in face of the most positive evidence of their innocence, the thief himself confessing to his guilt and exculpating them, and the attorney-general declaring that he, although public prosecutor, must abandon the accusation, there being absolutely no case, adding that he was astounded that the court, of putting in accusation of Foksani, should have held these unhappy men for three months on such baseless testimony.

On Wednesday, the 18th instant, the individuals accused of the gravest

excesses against the Israelites of Vilcor, and whose guilt was proved beyond the shadow of a doubt, were acquitted *en bloc*.

Those of Cabool will be tried to-day, when the same result will no doubt be reached. These two verdicts, following each other, so gravely periling the security of the Israelite population during the impending (Greek) Easter, has led the diplomatic and consular corps. in obedience to the general and special instructions received from their respective governments, to unite in a collective note to the Princier government, copies of which (in the original French and English translation) I have the honor herewith to transmit.

All the members of the corps at present in the city, *except* the Russian, have signed the same.

I trust it will have the approbation of the President.

I am, sir, &c., &c.,

BENJ. F. PEIXOTTO.

BUCHAREST, April 18, 1872.

The undersigned deem it their duty to address to the government of the prince, collectively, and in the most formal manner, the verbal observations which most of them have been ordered by their governments to present to it in relation to the Israelitish question. They cannot, in the first place, help expressing their astonishment that the result of the investigation, ordered in Roumanian Bessarabia more than two months since, has not yet been communicated to them, notwithstanding the assurance contained in the note of the minister of foreign affairs, bearing date of the 7-19th of February last.

They have, moreover, learned with profound regret that, after having condemned several Israelites to severe penalties, the prosecution of whom was abandoned by the public ministry itself, the court of assizes at Buzéo has acquitted all the individuals who were charged with having committed the gravest excesses and crimes against the Jewish population of the town of Vilcor. The undersigned see, in this double verdict, an indication of the dangers to which Israelites are exposed in Roumania, the imminence of which, at the approach of the Easter holidays, justified the steps recently taken by them simultaneously near the government of the prince.

The governments of the undersigned will judge whether the impunity which has been enjoyed by the assailants of the Jews is not of a nature to encourage a repetition of scenes of violence quite unworthy of a civilized country, which, as such, ought to insure freedom and security to all religious denominations.

THIELAN, (*Germany*.)
SCHLECHTA, (*Austria, Hungary*.)
PEIXOTTO, (*United States*.)
G. LE SOUARD, (*France*.)
J. GREEN, (*Great Britain*.)
NEANOS, (*Greece*.)
GLORIA, (*Italy*.)

No. 486.

Mr. Peixotto to Mr. Fish.

No. 31.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, May 5, 1872. (Received May 29.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 28, of the 10th of April. My dispatch No. 30, of the 19th of April, and previous dispatches will have shown you that I had anticipated the present instructions, and, pervaded by a proper sense of the general views you gave me in person while in Washington, in December, 1870.

have acted in consonance with the directions which you are now pleased to express in even more specific language.

As I predicted in my dispatch No. 30, the jury in the case of the Cabool rioters have brought in a verdict of acquittal, thus setting at liberty those Ku-Klux of Roumania who continually disturb the tranquillity of the country and bid defiance to all laws except those of their own bad passions.

Upon the receipt of this news I had an interview with the minister, and represented that, while having no disposition to interfere in the internal affairs of the country, and especially in no sense to meddle with the administration of justice, I could not be insensible to the grave dangers attending the result of these trials, and my belief that the government of the prince would take measures to restrain such impunity and license, which might otherwise prove fatal. I expressed the hope that the convicted Israelites would be afforded a new trial, or, in the event of no better result being hoped for, they would be set at liberty.

The minister assured me that he greatly deprecated the verdicts given, and that he would lose no time in recommending to the prince the extension of his grace in behalf of the condemned.

I am, &c.,

BENJ. F. PEIXOTTO.

No. 487.

Mr. Fish to Mr. Peixotto.

No. 30.]

DEPARTMENT OF STATE,
Washington, May 13, 1872.

SIR: The Department has received your dispatch No. 30, of the 19th ultimo, accompanied by a copy of a remonstrance addressed by the representatives of foreign governments at Bucharest to that of the principalities, against recent maltreatment of Israelites there.

The Department approves your taking part in that remonstrance. Whatever caution and reserve may usually characterize the policy of this Government in such matters may be regarded as inexpedient when every guarantee and consideration of justice appear to have been set at defiance in the course pursued with reference to the unfortunate people referred to. You will not be backward in joining any similar protest, or other measure which the foreign representatives there may deem advisable, with a view to avert or mitigate further harshness toward the Israelites residents in, or subjects of, the principalities.

I am, sir, &c.,

HAMILTON FISH.

No. 488.

Mr. Hunter to Mr. Peixotto.

No. 32.]

DEPARTMENT OF STATE,
Washington, June 13, 1872.

SIR: Your dispatch No. 31, of the 5th of May last, relative to the persecution of the Hebrews in Roumania, has been received.

The representations which you have made to the Roumanian government upon the subject are approved.

I am, &c.,

W. HUNTER.

No. 489.

Mr. Peixotto to Mr. Fish.

[Extract.]

No. 33.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, June 24, 1872. (Received July 18.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 30, of the 13th of May, and the instructions therein contained have been strictly complied with. While the timely action of the consular corps, by their collective note, and which I was happy, as on the occasion of the first note, to have evoked, had the unquestioned effect of rousing the Roumanian government to the dangers, and of taking the utmost precautions against renewed disturbances during the Greek Easter holidays, and to have effectually prevented such, I regret to say that beyond this no substantial results in the interest of justice and humanity have been obtained. The rioters of Ismail and the other contiguous towns of Roumania-Bessarabia, like those of Vilcor and Cabool, at Buzéo, were each and all acquitted before the jury at Braila.

These several decisions, it is contended, will outlaw the claims of the sufferers for indemnification, amounting to over 600,000 francs.

The prince, as I have reason to believe from the representations which I was enabled to lay before him, used his prerogative in so far as setting at liberty Rabbi Brandes and Mr. Goldschlager, two of the five Israelites condemned by the Buzéo jury to three years' solitary confinement, but the other three were only so far fortunate as to have had their terms reduced and the imprisonment modified to correctional confinement.

The evidence of innocence in their case was scarcely less strong than in that of the two others, consequently they may be regarded as victims of political necessity.

I am happy to say that, through the humanity of the people of the United States, as well as of Europe, I have been made the medium of conveying succor to the sufferers in the recent riots, and have thus far been enabled to transmit through trusted sources nearly 40,000 francs.

The sufferings * * * * of the Israelites of this country have at length aroused the people of the civilized world to utter their emphatic protests. The parliaments of Great Britain, Germany, and Italy have given expression to sentiments of condemnation previously uttered by the entire European press. A great meeting has been held at the Mansion House, London, participated in by forty members of parliament and distinguished men from all creeds and professions, while the British cabinet have been in active correspondence with the other cabinets of the guaranteeing powers to evoke some definite solution based upon the treaties of Paris of 1856 and 1858 relating to these principalities.

It is a source of satisfaction to know that the action already taken, and that contemplated, by the powers directly partaking of political control is likely to hasten the results had in view by our Government when in my appointment it sought to exercise a moral influence in the same direction.

May I be permitted to urge that a note addressed to our ministers at the courts of Saint James, Berlin, Paris, Vienna, St. Petersburg, Rome, and Constantinople, instructing them to use all moral efforts to advance the solution of a question the importance of which is already recognized by these powers, would be received in the friendliest manner and attended with the happiest effect in promoting a common understanding, which alone appears necessary to induce united action.

I am, &c.,

BENJ. F. PEIXOTTO.

No. 490.

Mr. Peixotto to Mr. Fish.

[Extract.]

No. 34.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, June 29, 1872. (Received July 25.)

SIR: I have the honor herewith to transmit a printed copy in French, with translation in English, of the circular note addressed by Mr. Costaforo, minister of foreign affairs, to the agents of Roumania abroad, together with two printed articles in German, with English translations, extracted from the New Free Press of Vienna, the leading journal of the continent. For some time I questioned the propriety of transmitting Mr. Costaforo's note, inasmuch as he had furnished no copy. * * *

Desirous, however, that you should be put in possession of all phases and of both sides of the question, I have determined to send you the same, not doubting your ready appreciation of the points at issue, and simply remarking that the attempted denial or belittling of the recent riots is only in consonance with the policy which has always been adopted by the Roumanian government on this question.

Mr. Costaforo is now at Constantinople pleading his cause before the Sultan, who, though generally scandalized at all other times, is resorted to whenever storms exceed the laying of the home government.

I am, &c.,

BENJ. F. PEIXOTTO.

[Inclosure 2 in No. 34.—Translation.]

CIRCULAR NOTE TO THE AGENTS OF ROUMANIA ABROAD.

BUCHAREST, *April 27, (May 9,) 1872.*

SIR: The court of assizes of Buzéo has just pronounced upon the audacious and impious crime committed toward the end of the month of December, in the cathedral of Ismail, a crime which has again excited the passions of the people against the Jews, as well at Ismail as at Wilcow and Cahul. A sentence of five years' imprisonment was passed against the principal author, Moses Samson, *alias* J. Silbermann; the Jews, Struhl Waismann, A. Praismann, Haim David Goldschlaeger, and the rabbi Alter Brandes, being condemned, as accomplices, to three years' imprisonment.

The government, who have not failed from the commencement of this unfortunate affair to take the most energetic measures for the re-establishment of order, and its maintenance in the event of any fresh outbreak, have, in the very matter in which justice had taken its course, given a new proof of their equitable and conciliatory disposition, diminishing by the right of pardon the rigor of a definitive decree.

On the report of the minister of justice, a copy of which is inclosed, His Highness the Prince, our august sovereign, has granted a free pardon to two of the prisoners, and commuted the punishment of the three others, who could merely be liable to a correc-

tional penalty. The principal author alone will have to undergo the full punishment to which he has been condemned.

I will now draw your attention, Monsieur l'Agent, to the different appreciations of the late events, which, being based for the most part on inaccurate information, have naturally resulted in re-opening the Jewish question, a question destined, it would seem, whenever it is mooted, to assume proportions calculated to compromise the security of the country.

In fact, as soon as any matter of a certain importance gives rise to complaint on the part of Jews residing in Roumania, the newspapers immediately seize upon it, make the most of it, and exaggerate its nature and bearing; and the falsest news, exciting the most enlightened minds against the country and the government, are finally accepted by the cabinets of the great powers.

This system has been going on for many years, and in spite of all the assurances given by the government, and their incessant exertions, which have succeeded since the year 1869 in re-establishing tranquillity among the Christian and Jewish centers of population, all unfavorable circumstances are eagerly availed of to call in question the good faith of the government, and to require a settlement of the lot of the Jews by foreign intervention.

It is therefore of importance, Monsieur l'Agent, to re-establish, before everything, the truth, both as to the events which have recently taken place at Ismail, and as to the general state of the Jewish question in Roumania. You will thus succeed in securing in our favor the benevolent support of the civilized powers, who, on being better enlightened as to our situation, will not, I have every confidence, fail to aid us in surmounting the difficulties we seek to avoid, and which are incessantly being created for us.

Thus, without taking into account the just indignation which the sacrilege committed in the cathedral and the impious robbery of the sacred objects would have produced in any country, especially among the lower classes of society, it has been sought in every possible way, in spite of the repeated assurances of the government, to give immense proportions to some devastations which took place in consequence of the first ebullition of the public mind, and before the authorities could re-establish tranquillity. In these regrettable acts, which could easily have been explained if the circumstances in which they were produced had been carefully studied, there has been seen a system of persecution against the Jews, and it has been sought to make the whole country responsible for a few scenes of local disorder stirred up by an odious deed. Must we not conclude, then, that it is absolutely necessary no longer to be silent upon a question which has been more than once successfully invoked to the detriment of the interests of the country, and of the Jewish population itself.

Even now, that everything has long been restored to order, and that, owing to the energetic measures taken by the government, the fear that new troubles might occur on the occasion of the Easter holidays is completely removed, now that we had a right to believe that the truth had at length come to light, and that it is recognized by the evidence of the facts established on the spot by the agents of the foreign powers themselves, that not a single Jew has been killed or wounded, that no woman has been violated, and that the importance of the havoc committed had been exaggerated, we see with grief that eminent and, we doubt not, sincere men, go so far as to believe that it is conducive to the success of the cause to exhibit in foreign parliaments frightful pictures of persecution, murders, rapes, and other atrocities, which have had no existence either at Ismail, or at Cabool, or at Wilcow, where the tumults took place.

We do not seek to extenuate the gravity of the wrong that has been done, and we are under no delusion as to the importance attached by the great powers to this Jewish question; but we also ask ourselves, with a good conscience, how a government, actuated by the best intentions, and incessantly giving proofs of the sincerity of their intentions, could succeed in conquering the difficulties by which they are beset, when they have to contend against a system tending to exaggerate the complaints, without taking into account the causes producing them, and seeking to cause to be forgotten the enormous difference between the Jews of Western Europe and Jews massed together by hundreds of thousands and occupying almost exclusively many towns in Roumania.

We will not conceal from you, Monsieur l'Agent, on the other hand, the bad impression produced upon the government of the prince by the verdict of acquittal just pronounced by the jury of Buzeo in favor of several of the prisoners. But if we may be allowed to observe the character of this institution, even in the most civilized societies, whence we have derived it, it will not be difficult to show that there has often been occasion to deplore, in the verdicts of juries, the fatal influences exercised on the minds of citizens called upon to judge their equals by the prejudices or the passions of the moment which have made them deviate from the straight path of justice. The Roumanian government has had to regret, on more than one occasion and at different periods, such deviations, and has not failed, in consequence of them, to lay before the chamber the modifications they considered it necessary to introduce into the jury-law.

We are convinced that the legislature will make it their business to study and improve this law during the next session.

We must, however, bear in mind the general and excessive excitement of the popular mind consequent on the profanation of the church, and especially at the moment of finding, after five days' search, the cross and the sacred objects in the drains of a house inhabited by Jews, where they had been thrown by the Israelites A. Fraismann and Haïm David. This deed has been proved, and can no more be called in question.

If, in consequence of the great difficulties attendant upon an examination diligently prosecuted during several months, certain judicial errors brought about the indictment of the Rabbi Brandes, and of David Goldschläger, whom the chief culprit had denounced as accomplices and instigators of the crime; if the justice of the jurors, ignorant of the nice distinctions established by science between the different persons who have co-operated in a crime, has seen accomplices where there were only receivers, (*receleurs*,) still we must not conclude that there was but one person guilty. The facts officially established, the detailed confessions made by the culprits themselves, as they are set forth in the report of the minister of justice, the money stolen which was found at the house of one, and the sacred objects thrown by two other Jews into the drains, and where they were found on the information of the latter by the agents of the government, leave no room for doubt on this subject. I mention these details, Monsieur l'Agent, not indeed with the view of excusing the conduct of the jurors, but because I think it would not be right to suppress the co-relation between the crime committed and the acts of disorder which resulted from it; public opinion would be but half enlightened if, while exaggerating the extent of the latter, it were sought to extenuate the moral importance of the principal act by reducing it to a simple question of figures, as it was attempted to do in the English Parliament.

I stop here, Monsieur l'Agent. I believe I have said enough to bring out the principal points you will have to develop and uphold. There is no religious persecution in Roumania, and there has never been any. But comparatively there is a very large number of Jews, more than in any other country. The indigenous commerce suffers, and there are many towns in which it has been completely abandoned to the Jews. The state of civilization of the Jewish population leaves much to be wished; everything is to be hoped from time, and the exertions made by enlightened Israelites to ameliorate the manner of their co-religionists.

In the mean time they form a separate class, a true caste in the country, where they cease not to take refuge, in spite of the intolerance of which our nation has been lately accused, and which should have driven them from it had it really existed.

To pretend that their conduct is always correct, and that they are simply the unfortunate and innocent victims of what it has been agreed to call the persecutions of the Jews in Roumania, is not the truth. The propagandism carried on against the country and its government by the Israelitish press and the incessant appeals to foreign interference, do not seem to me calculated to allay the evil; on the contrary they aggravate it. In seeking to hit the mark they overshoot it.

The present government has given proofs of firmness, and in the serious circumstances it has had to face since its accession, it has not for a moment ceased to observe the rule of duty; putting itself above all passions, and all regard to a false and vain popularity.

The Jews themselves recognize the truth of this, and the most enlightened among them understand perfectly the difficulty of the situation and how many obstacles we have had to surmount to maintain the balance of social relationship, and to secure general tranquillity. Other obstacles, then, must not be created, nor the question aggravated by interferences which might have the effect of enfeebling the action of authority and of paralyzing its best intentions.

The foreign agents accredited at Bucharest are better able than any other person to enlighten their governments on the state of things in Roumania, and on the line of conduct pursued by the present cabinet. We, therefore, had a right to reckon upon their kind support, and on their coming to our assistance and giving us their sympathy in the task we imposed upon ourselves. But, contrary to this hope, the Prince's government have just been painfully surprised by taking cognizance of the collective document, whose unusual form and threatening tone are not of a nature to encourage them in their exertions.

This document has appeared in all the newspapers, and we abstain from pronouncing an opinion upon it. But we cannot pass over in silence the direct attack which it makes upon the dignity of power. This document, moreover, is unfounded, and, at least, useless. The agents were aware of the energetic measures the government had taken, of its own accord, against the recurrence of disorders, and if it had seemed to them necessary to interfere, conformably to their instructions, they might, at least, have dispensed with applying to us unmerited reproaches.

Even the delay of the communications, of which the subscribers of the above-mentioned document complain, is justified, seeing that, by my note of the 7-19th February, last, I had reserved the right of communicating the result of the examination, and not

the inquiry, (*enquête*), as they say, which was rather designed for information of government as to the conduct of their employés. The examination having lasted during the time required for the hearing of many hundred witnesses, and having been but recently terminated, the government had necessarily to wait for the decision of justice, to communicate to the agents the general result of the examinations of all the suits, one of which is being tried this very day before the court of assizes of Ibraila.

The present government has never failed in its duties toward the representatives of foreign powers; it had a right in its turn to expect more regard on their part. In presence of the events which daily take place under the eyes of the agents, the ministry ought to have been better supported in foreign cabinets, especially in questions in which it has to contend against the hostile tendency of those who are not particular in the choice of their arms, and who never fear to borrow from the unpopularity of a situation, the means of attack which would fail them on the ground of loyalty and truth.

The agents of the guaranteeing powers, who have certainly the right to draw the attention of the government of Roumania to the questions of general interest which pre-occupy the civilized world, ought not to forget, however, that in consequence of certain precipitate acts, whose rectitude, both as regards the form and the basis, may have escaped their perspicacity, they only, unconsciously, and contrary to their instructions, keep up the irritation of the public mind, and thus oblige us to deplore new forces in a struggle which, in the long run, cannot but weaken our energy.

Accept, &c.

G. COSTAFORO.

[Inclosure 4 in No. 34]

[Translation of a leading editorial of "*Neue Freie Presse*," Vienna, June 17, 1872.]

The discussion of the Roumanian Jewish question in the German Reichtag, the English Parliament, the Washington Congress, and in the meeting at the London Mansion House, seems to sound in the ears of the clever Wallachians like the announcement of the hour of retribution for the brutalities which they have practiced so long with impunity. As we are informed by a private telegram, which we received Friday, the minister of foreign affairs, Costaforo, has gone to Constantinople to remove any intervention on account of the Jewish question, and now the *Rumänische Post* publishes a long circular note of Costaforo to the Wallachian agents abroad, calculated to accuse the consuls of the powers residing at Bucharest, for their protest raised against the violence at Ismail, Vilcor, and Cabool, at their respective departments.

Considerations of political decency prevent us from reproducing this curious document, swarming with lies, which tries partly to deny, partly to embellish, the Jewish persecutions, and to represent the consuls as liars and intriguants. Mr. Costaforo in defending the riots behaves as the most tender friend of the Jews. If he could not execute his benevolent intentions, this was only the guilt of the papers, the consuls, and, of course, the Jews, who are very glad to be hunted down. The shameful verdict of Buzeo is justified by the low degree of culture, not of the jurors, but of the Jews: Mr. Costaforo, nevertheless, promises a reform of the jury institution whose imperfection he therefore finally avows. It is understood that the Roumanian government will not, as they hope, "obtain the benevolent support of the civilized powers" for the continuance of their shameful household; but we believe, also, that no minister of exterior in the world will permit to be insulted by listening to the lecture of such an arrogant document, which is against the most elementary notions of decorum; the Roumanian agents will simply be set out of doors. But Mr. Costaforo has proved that it is necessary to teach the Wallachians the first notions, not only of propriety, justice, and love of truth, but also of manners. The retribution is limping upon crutches behind the Roumanian atrocities, but will yet catch and punish, in time, the violators of justice.

[Translation of an article of *Neue Freie Presse*, Vienna, of 19th June.—Bucharest, June 12, 1872.]

To the protest which the representatives of the foreign powers at this capital have addressed to the government, concerning the Jewish riots of Bessarabia, Mr. Costaforo has now replied, in the shape of circular-note, to the "Roumanian agents abroad." That these dark existences, which they are pleased to call "Roumanian agents," are playing a very indefinite rôle, and have no *raison d'être*, from the stand-point of international law, is above all doubt. The Porte has repeatedly protested against these pretended airs of independent sovereignty, and has again and again endeavored to have

her objections complied with by the guaranteeing powers. I can comprehend why these Roumanian agents should have been tolerated at Vienna, Paris, and Berlin, out of motives of delicacy to the feelings of Roumania; but that a minister of foreign affairs should be permitted to jump over the heads of the agents of the guaranteeing powers, and address directly to the latter any diplomatic documents, is a monstrosity.

Should the powers accept directly such documents, they apply to their representatives here a grave slap, and make their position very untenable. Mr. Costaforo, besides giving a lesson to the agents like school-boys, reproaches them moreover with having "acted against their instructions," thus charging them with abuse of their function. Such a proceeding against accredited agents is unheard of in the annals of diplomatic intercourse, and ought the least to be tolerated in this instance.

And the contents of the note itself? A tissue of disfigured facts and lies, a mass of contradiction, a jumble of empty phrases, of superficialities, without beginning and without end. The minister thereby seeks to develop truth concerning the excesses as well as the situation of the Israelites in general, and herewith to "acquire the support of the civilized powers." And to commence with this restoration of truth the minister says: "It has been sought in every possible way to give immense proportions to some devastations which took place in consequence of the first ebullition of the public mind, and before the authorities could re-establish tranquillity."

"Some" devastations, says Mr. Costaforo, who at the time he visited the scenes of the violence to investigate for the Government, beheld such spectacles of misery at Vilcor, Ismail, and Cabool, as moved him to give from his own pocket relief to the haggard, emaciated, wailing, and plundered wretches on all sides surrounding him, and received from them lists showing losses to the extent of 600,000 francs. Mr. Costaforo promised indemnification to the unhappy people, and does this now by a *naïveté*, believing thereby to succeed to convince foreign countries that much noise had been made for nothing, and that they will discredit the reports of the whole press, the foreign agents, and the facts themselves, in order to place confidence in him, him, who permitted the authorities to intercede only after seven days' duration of the riots. Mr. Costaforo says further: "Even now that everything has long been restored to order, and that, owing to the energetic measures taken by the government, the fear that new troubles might occur on the occasion of the Easter holidays, is completely removed, now that we had a right to believe that the truth had at length come to light, and that it is recognized by the evidence of the facts established on the spot, by the agents of the foreign powers themselves, that not a single Jew has been killed or wounded, that no woman has been violated, and that the importance of the havoc committed had been exaggerated, we see with grief," &c.

The above-stated assertion of the minister contains a lie, as Mr. Costaforo well knows from the petitions of the Ismail and Vilcor deputations, that many Jews have been wounded, and many wives and girls violated in the presence of their parents and husbands, by the intoxicated, brutalized mob. Indeed, only a Costaforo can have the hardihood to utter, before the whole world, such a gigantic falsehood!

Mr. Costaforo moreover affects to regret the verdict of the Buzao jury in the Ismail affair, and undertakes at the same time to vindicate it in some degree, three of the condemned Jews being, according to him, culpable of receivership, and not deserving complete pardon. The truth, however, is that the attorney-general, Borsh, sent to Ismail, after exact and careful investigation, repeatedly informed the minister by telegram that the Israelites were perfectly innocent, and that he (the minister) must oppose the accusation given on the part of the Fokshani chamber of putting under accusation. But Mr. Costaforo did not at all care for the scribbling of his attorney-general, nor of the report which the latter gave, which the minister, of course, did not communicate to the consuls, in spite of his promise, and in which the innocence of the Israelites was again proved in the most convincing manner, but permitted the poor men to be brought before the jury, condemned, two of them to be pardoned on his own motivated report to the prince, and did not publish the report, which could have been calculated to enlighten everybody as to the real facts.

The minister then says, "If the justice of the jurors, ignorant of the nice distinctions established by science between the different persons who have co-operated in a crime, has seen accomplices where there were only receivers, still, we must not conclude that there was but one person guilty." We will make allowance to the jurors for this ignorance; but why have the courts, who must not be ignorant of the nice scientific distinctions, brought the Israelites as "accomplices" before the jury? Why has Mr. Costaforo, himself a doctor of law, permitted them to do so, when he was perfectly aware of the real facts from the detailed report of his clever attorney-general? A private assertion of Mr. Costaforo, after his return from Bessarabia, and the receipt of the extremely dignified and discreet note of the consuls here; will show to what class of people he belongs. He said to an intimate journalist, "the damned filthy Jews deserve what has been done to them; had I been at Ismail at the time of the sacrilege, I would have joined the mob; the agents make a great fuss, but the more they will cry the less will I listen to them."

And Mr. Costaforo dares to call "unfounded and useless" the collective note of the consuls, to which alone we are indebted for the pardon of the two Israelites, and the removal of every danger during the Easter holidays! He concludes the note with the following words: "The agents of the guaranteeing powers ought not to forget that, in consequence of some precipitated acts, whose rectitude, both as regards the form and the bases, may have escaped their perspicacity, they only unconsciously, *and contrary to their instructions*, keep up the irritation of the public mind, and thus oblige us to deplore new forces in a struggle which, in the long run, cannot but weaken our energy."

The latter part is a threat which Mr. Costaforo, in taking leave, gives the guaranteeing powers; in other words, it means, "if you will continue to make any fuss, then we will abandon our 'energetic' measures."

No. 491.

Mr. Fish to Mr. Peixotto.

No. 34.]

DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: Your dispatch No. 33, of the 24th ultimo, has been received. It is learned with regret that justice has been denied to the Hebrews in Roumania. The Department has complied with your suggestion, that an instruction be addressed to certain ministers of the United States in Europe, directing them to employ moral efforts toward inducing the governments to which they are accredited to forward an adjustment of the question.

I am, &c.,

HAMILTON FISH.

No. 492.

Mr. Peixotto to Mr. Fish.

No. 36.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bucharest, September 10, 1872.

SIR: This country has attracted very unusual attention during several years past on account of two questions which have disturbed not only its internal tranquillity, but at one time threatened to involve the peace of Europe. The first question, that of the railways, has been finally adjusted through the intervention of Germany, many of whose subjects but for this act would have been almost hopelessly ruined through being possessors of upward of 200,000,000 francs of the Roumanian railway-bonds, which at one time stood a fair chance of being repudiated. Failing to obtain any satisfaction from the Roumanian government, Prince Bismarck had recourse to the Suzerain Porte, whose earnest arguments, supported particularly by England and Austria, had the desired effect.

The second question, that of the Israelites, has not yet met with a solution, but good hopes are entertained for an early settlement. Stretching from 43° 38' to 48° 50' north latitude, and 23° to 29° 30' longitude east of Greenwich, Roumania is bounded on the north and west by Austria, on the east by Russia and the Black Sea, and on the south by Turkey. The form of the country is that of an arch turned to the northwest; its topographical configuration and aspect show an amphitheater rising gradually from the Danube and the Pruth toward the Carpathian Mountains.

Its soil partakes of the system of the Carpathians and the basin of the Lower Danube; it is divided, after its nature, into three zones; (a) mountainous region, rich with minerals and timber; (b) hilly region, covered mostly with prairie-grass and grape-vines; and (c) regions of field-land formed of the left plain of the Danube and the territory contained between the Pruth and Black Sea. Its area is 2,210 geographical square miles.

The country is divided into thirty-three districts, of which thirteen are mountainous and the balance plains. This division dates from the time of its organic regulation, 1835, but is pronounced to be irregular and not to conform to the interests of the inhabitants.

OROGRAPHY.

The mountains of Roumania are a ramification of the Bastanic Alps or Carpathians; their height varies between 2,587 and 8,160 feet above the level of the Black Sea. Their aspect is commanding, in many places resembling the position of Switzerland. They form a chain of the large Carpathians, which, beginning from above the town of Folticeni, surround the country from the west to the north, till Orsora, forming thus a natural wall. The two highest mountains are the Ceablan, or the Pion, and the Caraiman, the former measuring 2,750 meters, the latter 2,650 meters—over 8,000 feet.

HYDROGRAPHY.

The numerous valleys which cross Wallachia in her breadth and Moldavia in her length carry along with them the waters which flow from the north to the south, and partly to the east, and empty into the Danube. They facilitate the production and transportation of the products from the upper parts of the country to the ports of the Danube. The largest rivers are the Danube, the Pruth, Sereth, Moldova, Bistritza, Prahova, Dimbovitza, Aluta, Argest, Zin.

Few countries possess so many rivulets; their course is from the north to the south. Most of the lakes are near the Danube. Besides, there are numerous springs containing mineral waters, especially sulphur, iron, salt-sulphur, aluminum-sulphur, iron-carbon-sulphur. Roumania has also three hundred isles in the Danube and thirty in the Aluta and Zin.

CLIMATE.

The climate of the country is generally healthy and mild. In summer there are often violent storms, with thunder, lightning, and hail. The part from Tecuci and above, from Ploiesti, Targu, Vestei, and Pitesti, and likewise across the Aluta, are more sheltered; the balance of the land is open toward the Black Sea, and exposed to the capricious winds coming thence. The winters are cold. The rivers, and even the Danube, freeze completely, so that the heaviest wagons can cross in safety. Spring and autumn are the finest and pleasantest seasons. The temperature varies from $12^{\circ} 4'$ to $29^{\circ} 7'$, i. e., the cold reaches 12° and the warmth 29° , Reaumur, according to observations which I have made in the shade at Bucharest.

ORIGIN AND NATIONALITY.

The Roumanians, who inhabit the two great slopes of the Carpathians to the mouths of the Danube, are a people of the Latin race, descend-

ants of the Roman colonists brought into ancient Darcia. Their features, costumes, habits, and especially their language, appear to sufficiently attest this fact. The Roumanians inhabit, besides Roumania, the Austrian provinces of Temisana, Crisana, Maramures, Trausylvania, and Buckowina; Bessarabia, Dobroga, a part of Macedonia, and Thessaly, under the name of Cotzovlaks. The total number of Roumanians is estimated at from 9,000,000 to 12,000,000; those inhabiting Roumania at 5,000,000.

The nationalities populating Roumania are: 1, Roumanians; 2, Greeks, Servians, and Bulgarians; 3, Armenians, Lithuanians, and Gypsies; 4, Italians and French; 5, Hungarians, Germans, and Poles.

LANGUAGE.

The Roumanian language is derived from the Latin, but, under the influence of Dacians, Slavonians, and Greeks, it has been much changed, and many foreign words have been introduced. Yet it is nearer the mother-tongue than the French, Spanish, and even Italian; its verbs, which constitute half of the language, having suffered but little modification.

RELIGION.

The number of those belonging to the Greek orthodox church is estimated at 4,250,000, composed of Roumanians, Greeks, Servians, Bulgarians, Albanians, and others. Other religions are estimated as follows:

Roman Catholics.....	200,000
Hebrews.....	250,000
Protestants.....	49,000
Armenians.....	14,000
Mahomedans.....	1,500
Lithuanians.....	15,500
Other sects.....	50,000
Total.....	580,000

Few, if any, countries have so many churches and monasteries. Some of the monasteries were established by different princes, others by private pious persons. The towns have numerous churches; Bucharest alone 300. The number of churches is estimated at 6,751; priests, 9,800; monks, 4,670; nuns, 4,080.

EDUCATION.

The education law of 1866 introduced compulsory and gratuitous education. The law is executed by the minister of culture, a general council of instruction which meets once a year, a permanent council of instruction, and the directors of the schools.

The following are the schools and number of pupils:

	Pupils.
2,141 communal or primary schools, for boys and girls, with.....	60,404
129 primary schools, for boys.....	19,634
103 primary schools, for girls.....	7,613
3 real schools, for boys.....	224
15 gymnasiums, for boys.....	979
6 lycenms.....	1,487
8 seminaries.....	1,563
	91,904



	Students.
1 school of medicine and pharmacy	125
1 Macedonian-Roumain school	24
5 secondary schools; for girls.....	450
2 commercial schools	187
2 normal schools	197
2 universities, (Bucharest and Jassy).....	487
2 schools of art	57
2 conservatories of music.....	243
	1,770
 Total.....	 93,674

Besides a considerable number of private schools, of which some of the best are Roman Catholic and Israelitish. The average attendance at these schools is scarcely 85,000. The number of teachers employed is 3,863, 1,260 of whom are professors in the universities, the lyceums, gymnasiums, and trade-schools, and 2,576 in the primary and rural schools.

INDUSTRY.

Agriculture is the prominent occupation and chief resource of the country. It is estimated that 700,000 families are engaged in cultivating the soil. The villages are occupied almost exclusively by land-laborers, who mostly manufacture their implements of husbandry, which are of the crudest character, as well as provide for their own subsistence. Since the rural law (which permitted the peasants on certain conditions to become land-holders) the cultivation of the soil is more earnestly prosecuted.

The execution of the rural law has been made as follows:

1. On 7,100 private properties, 269,915 peasants have become land-holders. They have obtained 1,962,629 pogones. The amount of the indemnification to be given for these lands is 9,355,505 francs.

2. Upon the state properties, in number of 1,493, 144,520 peasants have received 995,282 pogones; the indemnification to be paid is 4,618,988 francs.

The land is divided in—

	Pogones.*
Cultivated land.....	12,636,618
Timber-land	4,029,947
Unproductive land.....	7,574,356

On the cultivated land gardens occupy 308,477 pogones; cultivated land occupies 4,442,924 pogones; hay occupies 1,848,775 pogones; pasture occupies 5,845,135 pogones; grape-vines occupy 191,307 pogones.

The working-power employed at agriculture are agriculture hands, 684,168; horses, 284,028; yoke-cattle, 961,973; wagons, 338,869; plows, 159,510; machines, 2,000.

The soil contains in its bosom gold, silver, copper, iron, lead, quick-silver, &c.; but the mines are not explored. There are also other rich minerals.

The approximate annual production has been as follows: 1,119,119 pogones wheat, giving 2,300,000 kilograms; 221,547 pogones rye, giving 370,000 kilograms; 2,069,510 pogones corn, giving 3,000,000 kilograms; 453,928 pogones barley, giving 300,000 kilograms; 121,880

*A pogone is $\frac{1}{10000}$ part of a geographical square mile.

pogones oats, giving 1,200,000 kilograms; 252,860 pogones millet, giving 370,000 kilograms.*

The country also produces a large amount of vegetables and fruits, 4,000,000 vadräs of wine, and 56,000,000 okas* salt.

The annual consumption consists in wheat, 720,000 kilograms; rye, 310,000 kilograms; corn, 1,700,000 kilograms; barley and oats, 1,300,000 kilograms; millet, 360,000 kilograms; beans, 11,000,000 okas; hemp, 1,700,000 okas; flax, 700,000 okas; tobacco, 1,200,000 okas; potatoes, 10,000,000 okas; hay, 2,000,000 wagon-loads; value, francs.....		200, 000, 000
Wine, 3,900,000 vadräs; corn-brandy, 700,000 vadräs; plum-brandy, 7,000,000 vadräs; value, francs		38, 000, 000
Salt, 40,000,000 okas, value, francs.....		7, 000, 000
Animals, 1,600,000, value, francs		40, 000, 000
Coals, 1,800, 000, value, francs		40, 000
Wood, 3,000,000 stangeni,† (klafter,) value, francs.....		10, 000, 000
Other products, value, francs		33, 000, 000
Total, francs		325, 040, 000

Adding to this amount the consumption of imported objects, amounting to 90,000,000 francs, the total amount of the consumption is more than 400,000,000 francs.

COMMERCE.

From the commercial stand-point Roumania is, by its geographical position, as well as its topographic form, much favored. Its internal and external commerce increases from day to day; the railways will make this country a true European bazar. Besides the navigable rivers, Pruth, Sereth, Bistritza, Aluta, Jin, Roumania possesses the Danube, this natural road which flows along the richest and most fruitful fields from Varciorova to the Black Sea, a distance of more than 150 leagues, (450 miles.)

1. *Export.*—The medium value of exports is, francs, 198,000,000, and consists, viz: Animals, 13,800,000 francs; products of animals, 21,156,000 francs; manufactured products of animals, 2,613,000 francs; cereals, 146,432,000 francs; seeds, 5,892,000 francs; manufactured seeds, 722,000 francs; vegetables, 120,000 francs; fruits, 153,000 francs; manufactured fruits, 225,000 francs; woods, 2,502,000 francs; manufactured woods, 235,000 francs; minerals, 1,937,000 francs; manufacture of minerals, 1,418,000 francs; foreign objects, (imported and re-exported,) 811,000 francs.

2. *Import.*—All objects of luxury are imported. This is owing to the neglect of schools and industrial institutions. The total value of the yearly imports is 90,000,000 francs; of which from Turkey and France are imported 13,153,000 francs; objects necessary for industry, especially from Austria and England, 13,306,000 francs; manufactured objects, (from Austria, France, and England,) 54,341,000 francs; objects (likewise produced in the country) from Austria and Russia, 9,988,000 francs.

*An oka has 2½ pounds.

† A stangeni is 6½ feet.

3. *Ports*.—There are eighteen ports, viz: Galatz, Braila, Giurgevo, Turnu, Severin, Oltenitza, Ismail, Calafal, Bechet, Chilia, Stirbey, (Calarash,) Gura, Falomitza, Reni, Turnu, Zimnicea, Vilcor, Gruia, Varciorova, Islaz. All are situated on the Danube, from Varciorava (Austrian frontier) to the Black Sea.

4. *Navigation*.—The navigation carried on in the Danube, from Turna Severin to Braila and Galatz, is only coasting. From the two latter large ports* commences true commercial navigation. The ocean and river vessels entering the ports of the country amount yearly to 12,000, with a tonnage of 1,600,000; those clearing to 11,000, with a capacity of 1,700,000 tons. The greatest part of these vessels sail under foreign flags; only 1,000 under the Roumanian. Besides these, the government owns two gun-boats.

FINANCIAL AND FINANCES.

The financial organization introduced in 1862 is based on the French system. The chief source of revenue is a capitation tax of 30 piasters (a little over \$2) per head on the rural population, with a higher scale for tradesmen and merchants. Direct taxes, the profits from state property and the tobacco monopoly, produce about one-half of the national income. In 1867, on the initiative of Prince Charles, the whole taxation of the country was revised and a new monetary system adopted, designed to be international, the unit being the Leu, equal to one franc.

The total estimated revenues for 1872 are 73,105,401 francs, viz:

Direct contributions, 20,676,766 francs; indirect contributions, 17,974,537 francs; domains and forests, 19,796,217 francs; post telegraph and railway, 3,553,476 francs; diverse incomes, 4,599,095 francs; extraordinary revenues, 7,919,790 francs.

The expenditures of the country are estimated at 83,105,401 francs, viz: council of ministers, 41,168 francs; public debt, 30,677,385 francs; legislature, 1,800,000 francs; court of accounts, 180,000 francs; service of finance, 8,000,000 francs; service of tobacco, 300,000 francs; treasury of deposits, 180,000 francs; department of interior, 8,015,076 francs; department of justice, 3,928,863 francs; department of culture and instruction, 8,077,424 francs; department of state, 646,562 francs; department of war, 14,651,210 francs; department of agriculture and public works, 5,568,153 francs; extraordinary credits, 1,039,560 francs. Showing a deficit of 10,000,000 francs.

The public debt of the country is 470,000,000 francs, and consists of a foreign debt of 392,000,000 francs, contracted principally for railways, and an internal debt of 78,000,000.

ARMY AND MILITARY ORGANIZATION.

The standing army consists of eight regiments of infantry numbering 18,529 men; four regiments of cavalry, (two of lancers, two of chasseurs,) numbering 2,226 men; six batteries of artillery, 2,246 men; two battalions of génie, (engineers,) 1,328 men.

The chambers, in the spring of 1872, modified the law of the organization of the army of 1868. According to the new regulation the army contains four distinct elements:

a. Standing army with its reserve.

* From Braila I present (appendix) a report of the commerce for 1870, made up by Mr. Marco Cohen, a highly intelligent merchant of that city. At Galatz I presume the consul there has transmitted a report.

- b. Territorial army with its reserve.
- c. The militia.
- d. National guard.

All the inhabitants, native and naturalized, must bear arms. Those from twenty-one to twenty-nine years must serve in the standing or territorial army; those from twenty-one to thirty-seven who have not been drawn for the regular or territorial army, and those aged twenty-nine to thirty-seven who have served in the standing or territorial army, must serve in the militia. In the cities those from thirty-six to forty-five, and in the rural communes those from thirty-seven to forty-six years, must serve in the national guard. The term of service for the standing army is four years in active service and four years in the reserve. For the territorial army, six years active service and two years reserve. Volunteers from eighteen to twenty-one years, serving one year in the standing or two years in the territorial army, may reduce their active service three years and pass to the reserve. The army (including the national guard) is under the administration of the minister of war. The country is divided into eight territorial military divisions.

JUDICIAL ORGANIZATION.

The actual legislation of Roumania is based on the Code Napoléon, which, somewhat modified after the exigencies of local customs and traditions, has been introduced in 1865. To-day, Roumania has a high court of cassation and justice composed of twenty-three members, established at Bucharest; four courts of appeal at Bucharest, Jassy, Fokshani, and Crajora, with two hundred and forty-one members and other functionaries; thirty-two jury courts for criminal processes; thirty-two tribunals of first instance, one in each residence of district, (except Bolgrad,) and several commercial tribunals. The minister of justice appoints the magistrates, submits the projects of laws, promulgates and controls their application. Though possessing a constitution of remarkable liberality, (modeled after that of Belgium,) the laws enacted and administered have neither been in conformity with its provisions nor in accordance with the simplest principles of justice. Juries (who can neither read nor write) are notoriously ignorant.

CONCLUDING REMARKS.

The principality of Roumania was definitely constituted in 1859 by the political union of Wallachia and Moldavia, which was finally conceded by a firman of the Sultan, dated November 12, 1861. Colonel Conza, a former prefect of Galatz, was the first prince chosen under the title of Alexander John I. A revolution which broke out at Bucharest on the 23d February, 1866, forced Couza to abdicate, and subsequently Prince Charles of Hohenzollern-Sigmaringen, (born April 20, 1839,) was chosen on May 10, and recognized by the Turkish government on July 11, 1866.

The constitution now in force was voted by a constituent assembly, elected by universal suffrage June 30, (O. S.,) 1866. The charter vests the legislative power in a parliament of two houses, a senate of seventy-four members, and a chamber of deputies of one hundred and fifty-seven deputies. The prince is elected for life, and receives an annual salary of \$200,000. He possesses the suspensive veto power, and executes the laws, assisted by a council of seven ministers. The present ministry is composed as follows:

President and minister of interior, Laxar Catargi.

Foreign affairs, George Costaforo.

Finance, Peter Mavrogheui.

War, Emile Floresco.

Public works, N. Cretzulesco.

Education and public worship, Christian Tell.

The autonomy of Roumania was semi-officially recognized, and the principalities placed under the collective protection of Turkey, England, France, Russia, Austria, Germany, and Italy by the treaties of Paris of 1856-58. A tribute of about \$200,000 is, however, still paid to the Porte, and it is claimed that its independence relates simply to its internal affairs, which must not conflict with the recognized principles of comity and international law. The prevailing religion is that of the Greek orthodox Church; the ecclesiastical authority is vested in a primate of Bucharest and Jassy.

Public works are advancing. The telegraph has been established in all the principal towns; there are sixty telegraphic stations, and the extent of lines 3,314 kilometers. A telegram of twenty words costs 30 cents, to any part of the country. The number of post-offices is sixty-three; single postage to the interior, 10 bani, (2 cents.) During the past month through railway connections have been completed, carrying the traveler from Bucharest, via Galatz Roman, Lemberz, to Vienna in fifty hours. The new railway society is prosecuting their works with great vigor, and in a highly creditable manner. The line to Varciorova (running through the whole length of Wallachia) to the Austrian frontier is under contract to be completed in three years. The work is already finished to Pitesti.

Bucharest, the capital, contains a population variously estimated from 170,000 to 190,000. I think the former figure sufficiently high. During the past year the city has been lit by gas, and the principal streets are now being laid with American tramways.

All public improvements have been conceived and carried out by foreigners and foreign capital, and all the advance made is due wholly to foreign influence; yet, notwithstanding, prejudice against the foreigner dies lingeringly, and toward the Israelites, who are treated as strangers, (though compelled to pay taxes and serve in the army,) breaks out periodically in scenes of violence and robbery. Indeed, the persecutions of the Hebrews have become a scandal to civilization, and have on several occasions evoked—as during the present year, after the outrages of Ismailo and Cabool, and the mock-trials of Buzeo—the interposition of foreign governments.

Upon the mercy and justice of the prince, who fortunately is a humane and intelligent ruler, rests, in many instances, the liberty and prosperity (capital punishment was abolished under Corza) of the unfortunate Hebrew.

I may add that the present ministry are more united, have held their portfolios longer, and are inspired by higher sentiments than probably that of any cabinet the prince has hitherto, out of eight distinct changes, been able to bring about him. When it is considered that the ministers are responsible to the legislature, and that upon them rest the burdens of administration, this fact evinces a more perfect insight of the prince into the peculiar characteristics and politics of the country, and augurs favorably for the future. If the prince and cabinet, instead of yielding, even though but temporarily, to the uninstructed sentiment of the people, played upon by demagogues, would rise superior, lead and direct the national mind, the progress of the nation would be secured and make no more retrogressions.

The Israelites, who number nearly 250,000 of the population, are, for the most part, devoted to handicraft trades. In all the towns, the carpenters, joiners, glaziers, painters, tanners, tailors, shoe-makers, hat-makers, &c., are principally Hebrews. Not a few are engaged in banking, commerce, and mercantile trade; and it is against this class, in reality, that hatred and jealousy are cherished, (fostered by the Greek and Bulgarian, who are their competitors,) though the poorer classes are made the victims.

In spite of many drawbacks, however, the spirit of western civilization and progress is reaching and extending its influence, and many years cannot elapse before great changes will be wrought in the moral and political, as well as material and social, condition of the country.

I am, &c.,

BENJ. F. PEIXOTTO.

U R U G U A Y .

No. 493.

Mr. Stevens to Mr. Fish.

No. 29.]

UNITED STATES LEGATION,
Montevideo, February 13, 1872. (Received March 23.)

SIR: There are now substantial reasons to hope that the civil war which has long scourged this country has terminated. If the Argentine government under a former administration, in wanton defiance of the statesmanship of common sense, entered into an alliance with Brazil by which its natural antagonist was strengthened to its own disadvantage, and even aided to force a revolutionary party into power in Uruguay in order to secure a third party to said "alliance," events have taught wisdom to the first-named power. Sarmiento and his cabinet, instead of playing into the hands of the empire by conniving at or looking with indifference on the protracted internal struggle of this country, have exerted their influence to bring about a suspension of arms between the hostile parties. Some weeks since an armistice was secured with a view to negotiations for peace. It is understood that finally a basis of compromise has been reached which has the approval of this government and of the commissioners of the revolutionary party. Substantially the same line of policy has been agreed on which I confidentially and unofficially urged on the Uruguay President and cabinet some months since. But as the "treaty" has not yet passed all its stages to a public and practical fact, I will await the next monthly steamer before I give more details of the transaction which now has such hopeful aspects.

I am, &c.,

JOHN L. STEVENS.

No. 494.

Mr. Stevens to Mr. Fish.

No. 31.]

UNITED STATES LEGATION,
Montevideo, March 8, 1872. (Received April 23.)

SIR: In my dispatch No. 29, of February 13, 1872, I stated that the terms of peace had been arranged between the contending parties in this country, the Argentine minister of foreign relations acting as mediator. That statement was correct. After long and elaborate negotiations the treaty of peace was signed by the special agent of the Uruguay government, the commissioners of the revolutionary party and the Argentine mediator. The terms were, in substance, that both parties should disarm and abide the action of the citizens at the electoral urns, the existing government to be recognized until another should be duly chosen and inaugurated, it being a fact admitted by both of the contending parties that the legal term of the executive and of congress has already expired, save eight of the thirteen senators who were chosen at a time when one party only had any real voice. But the political and military leaders of the government party would not consent to the resignation of the eight senators, compelled the removal of the government agent who had signed the treaty of peace, and of the minister of foreign relations, who was thoroughly identified with the negotiations, the two ablest political men of the country.

The president of the senate, Señor Thomas Gomensoro, is now the acting executive of the republic agreeable to the terms of the constitution. He has just selected his cabinet, and the cry of the government party is for war. But as the pressure of the commercial men and the land-owners is strong for peace, and the general weariness on both sides points in the same direction, it is not likely that very vigorous hostilities will be maintained. In the mean time the commerce of Montevideo flourishes far beyond what the political state of the country would seem to justify.

I am, &c.,

JOHN L. STEVENS.

No. 495.

Mr. Stevens to Mr. Fish.

No. 32.]

UNITED STATES LEGATION,
Montevideo, April 11, 1872. (Received June 21.)

SIR: In a former dispatch I informed the Department of State of the treaty of peace that had been negotiated and signed by the commissioners of the revolutionary party in this country, the special agent of the government, and the Argentine mediator, and of its repudiation by the controlling portion of the government party, the removal of the special agent of the government, and the consequent resignation of the minister of foreign relations, who had strongly identified himself with the negotiations. I am now pleased to transmit the information that the negotiations were renewed by the new acting executive and his cabinet, and that a new agreement of pacification has been made between

Perhaps the terms of the arrangement may not be entirely so wise as the one first made, but it seems to have received the nearly unanimous approval of the government and the revolutionists. The army of the revolution places itself under the command of the government, and is to be dissolved and sent home, and so much of the government army as was raised for the war is to be at once disbanded.

Universal amnesty is adopted as the rule on both sides. The elections are to be held within two months, and the solemn pledge is mutually given to abide the issue of the popular decision. It remains to be seen how faithfully the terms of the pacification can be carried out. The joy of the people is unbounded. Three days have been set apart for national celebration, for which the parties coalesce in making arrangements on the grandest scale. If peace can be secured even but for a brief term of years, this country will make remarkable progress. Millions of English capital are secured, and efficient men to use it, as soon as peace is fully realized to be a fact. One of the richest and best located pieces of territory in the world, by its completely organized steam connection with Europe, its natural advantages have become well known to the immigrants from the old countries.

A brief period of quiet allowed to transpire, influences already operative will completely submerge the "gancho element" which partisan leaders have long made the controlling force of civil wars.

I have, &c.,

JOHN L. STEVENS.

No. 496.

Mr. Fish to Mr. Stevens.

No. 35.]

DEPARTMENT OF STATE,
Washington, April 19, 1872.

SIR: This Department has reason to apprehend that the forebodings of many at the close of the late war against President Lopez, of Paraguay, that the allies would extinguish an independent government there by absorbing the territory of that republic, are about to be realized. We have not information full or explicit enough to warrant a definitive opinion, but it is understood that Brazil has already asserted a claim to a considerable part of the territory of which Paraguay held possession prior to the war. It is believed to be for the interest of the United States that Paraguay should not lose its independence or its territory, but should, profiting by the experience of the past, endeavor in the future to maintain a really republican government over that region which, if peace should be uninterrupted, must from the vast natural resources there become an important country in that quarter, and a bulwark against encroachment from any of its neighbors.

You will keep the Department fully apprised of anything which may take place in relation to this important subject or that may affect the interests of the other republics bordering on the great imperial government of South America.

I am, &c.,

HAMILTON FISH.

No. 497.

Mr. Stevens to Mr. Fish.

No. 37.]

UNITED STATES LEGATION,
Montevideo, July 8, 1872. (Received August 21.)

SIR: Since the date of my dispatch, No. 9, of last month, (Paraguay series,) the aspect of affairs between Brazil and the Argentine Republic has increased in belligerency. The press of the two countries has become extremely bitter, and well-informed persons think war imminent. The Argentine government has recently designated General Mitre, former President, and largely responsible for the entrance of the Argentines into the alliance against Paraguay, as special minister to Rio de Janeiro, with large powers to make the effort to arrange amicably the matters in controversy between the two nations. General Mitre left this city one week since, and at this date must have arrived in Rio de Janeiro. There are strong reasons for the belief that the Emperor and the party in power in Brazil secretly wish war, if it can be made to appear to the world that the Argentines invoke it. The logic of recent events and of transpiring facts indicate that Brazil is covertly seeking her opportunity to increase her domain and power southward. Five days since I had an interview with an intelligent gentleman * * who has had much experience in South American affairs, of decided caution and moderation, recently from Rio, where he has had rare opportunities to learn the secret tendencies and purposes of the Emperor and his confidential advisers. He gave it as his unqualified opinion that the Emperor and the conservative party now in power desire war, if the Argentines can be made to assume the responsibility of commencing it. * * * This country has just emerged from a protracted civil war, and the effects of peace are already cheerfully auspicious. Foreign capital and efficient organizations to wield it are already actively engaged in important operations in this country, and other enterprises are soon to be launched if the scourge of war can be kept away.

I have the honor, &c.,

JOHN L. STEVENS.

No. 498.

Mr. Hale to Mr. Stevens.

No. 42.]

DEPARTMENT OF STATE,
Washington, August 24, 1872.

SIR: Your No. 37, under date of 8th July, has been received. At the same time comes information from Rio de Janeiro more hopeful of the maintenance of peace between Brazil and the Argentine Republic.

It is the earnest wish of this Government that the differences between those two governments should be settled amicably, and the President omits no opportunity of giving expression to this wish.

Should the hope which the more recent intelligence from Rio, where General Mitre had arrived, not be justified by future advices, the President will consider in what manner he can most appropriately evince the desire of this Government to prevent hostilities between the two South American powers, and maintain the neutrality and peace of Uruguay.

In the event contemplated as possible in your dispatch, of Brazil interfering with the peace of Uruguay, and taking command of the harbor and city of Montevideo, while Uruguay shall have abstained from any hostile act against Brazil, and shall not have given any cause of provocation, you are authorized to remonstrate against any unprovoked attack upon a peaceable power, and if any interference with the right of American commerce or of American citizens should occur, you will formally protest against the same, and make immediate and full report to this Department.

I am, &c.,

CHARLES HALE,
Acting Secretary.

No. 499.

Mr. Stevens to Mr. Fish.

No. 38.]

UNITED STATES LEGATION,
Montevideo, October 10, 1872. (Received November 21.)

SIR: Believing it among the official duties of the diplomatic agents of the United States residing in foreign countries to give information to the Department of State in respect to whatever may tend to facilitate commercial intercourse between our own citizens and those of other nations, the undersigned begs leave to submit some facts as to the necessities of American trade with the Rio de la Plata. It may be unnecessary to repeat to what extent the methods and agencies of commerce have changed within the last quarter of a century. It is fully appreciated by our citizens that railways, telegraphs, lines of steamers, and express companies, aided by organization and discipline far superior to former times, have revolutionized and vastly increased our home intercourse and commerce. It will not be denied that in some important respects the exigencies of our foreign commerce have been overlooked.

What are the facts as to the countries of the Atlantic side of South America? What are the means of prompt and regular transport of intelligence and merchandise? Our reliance in a large degree is on the old methods of wind and sail. The Atlantic slope of South America, leaving out Central America, has a population of thirteen millions, with an annual trade of nearly three hundred millions gold dollars, producing much that the United States do not produce but need for consumption, and requiring much that the United States can supply, and wish to export. To make the necessary exchanges of productions between these thirteen millions of foreign people and the forty millions of our own population, what is there in operation of the great agencies which have so revolutionized and accelerated modern commerce? One monthly line of steamers between New York and Rio de Janeiro. All else save what is done by this line of *three steamers* must be done by the same methods in use centuries ago.

What are the European agencies of commercial communication with these thirteen millions of people of Atlantic South America? One company—Lamport & Holt—has twenty-four steamers, affording transit for passengers, freight, and mail, once a week each way. The average tonnage of these steamers is fifteen hundred tons. The Royal Mail, six magnificent steamers of three thousand tons each, carries freight, passengers, and mail twice a month, each way. The Pacific Company has

twelve magnificent steamers of three thousand tons each, carrying passengers, freight, and mail twice a month, each way. The Belgian line, of four large steamers for passengers, freight, and mail, affords monthly transit each way. The White Star line has recently commenced service, and has six steamers of four thousand tons each, carrying passengers, freight, and mails monthly, to and from Europe. The French line has four first-class iron steamers, of three to four thousand tons each, and transports passengers, freight, and mails once a month, each way. The Italian line has four large iron steamers, for passengers, freight, and mails, and affords monthly transit to and from Italy and intermediate ports. The German line, of four steamers, for passengers, freight, and mails, affords monthly transit to and from Hamburg. The Clyde line, of four steamers, for passengers, freight, and mails, provides monthly transportation to and from Great Britain and intermediate ports. The Polana line, of four steamers, for passengers, freight, and mail, affords monthly transportation to and from Liverpool and Antwerp. The Royal Mail, the French, the Belgian, and the Pacific lines are *subsidized*, the first by the English government, the second by the French government, the third by the Belgian government, and the fourth by the Chilean government. Thus, while the citizens of the United States have direct steam communication with the thirteen millions of people of Atlantic South America twelve times in a year, with the service of three steamers, the European countries have communication with the same Atlantic South America one hundred and eighty times in a year, with the service of seventy steamers—a regular transit for passengers, freight, and mail, on an average of each alternate day. And, while Europe has this constant communication with all the countries and chief cities of Atlantic South America, the United States monthly communications extend no farther south than Rio de Janeiro, stopping eleven hundred miles short of the three millions of people of the Rio de la Plata countries, as well as the commercial ports of Brazil south of Rio de Janeiro. Against this tremendous odds of regular and rapid means of communication which Europe has against the United States, is it a wonder that the latter has no greater proportion of the trade of Atlantic South America? Rather, is it not a marvel that the United States retains so much of this commerce? Even had our citizens a regular and reliable monthly steam transit for passengers, freight, and mail to the Rio de la Plata, without the present perplexing and damaging impediment and delay at Rio de Janeiro, our trade with the former would be largely increased.

Our lamentable destitution of regular steam-transit to the commercial points south of Rio de Janeiro need only to be stated to be understood. The Gallison line takes passengers, freight, and mail from New York via Saint Thomas to Rio monthly, and another steamer equally often makes the passage from Rio to New York—the distance five thousand four hundred miles—leaving passengers, freight, and mail one thousand and thirty miles short of Montevideo, and one thousand one hundred and fifty miles short of Buenos Ayres. It may be said that as the numerous European lines stop at Rio de Janeiro on the passage to and from the commercial ports of the Rio de la Plata, the passengers, merchandise, and mail of the New York line can be put on board the European steamers, and thus the commercial interests of the United States can be served nearly as well as though the American steamers proceeded directly the whole distance to Montevideo and Buenos Ayres. This opinion, if cherished, is a practical delusion. True, the mail can generally be transferred without serious delay on board the European steamers, though this is far from being always realized.

Passengers are necessarily compelled to make an expensive delay at Rio de Janeiro. But the obstruction to freight amounts to a most damaging barricade. All the boxes and packages of merchandise must be landed at Rio, and go through the Brazilian custom-house. This imposes on the owners of the goods the vexations and charges of the custom-house officials, amounting to a considerable percentage on the first cost, and makes a delay, running all the way from two weeks to four months. But these custom house charges on goods in transit are as nothing compared with the actual disadvantages and loss to the merchants in the United States or in Montevideo and Buenos Ayers, whose goods are thus blockaded at Rio de Janeiro. In addition to the loss of interest on the capital invested is the far greater loss of trade by not having the merchandise at the opportune season when it is wanted, especially as these dealers in United States goods are in direct competition with the merchants who have their orders filled in Liverpool, Antwerp, and Paris through the regular weekly transit of the European steamers. The marvel is, how the United States trade can even partially withstand this strain. To obviate this destructive delay of United States goods at Rio, arriving by the New York steamers, mercantile agencies can be employed at that point to attend to the forwarding of the goods through the custom-house and transshipment on board the European steamers bound to the Rio de la Plata. While the majority of those who wish to send packages of merchandise from the United States by the New York steamers to the Rio de la Plata are unable to keep in employ a dispatch-agent at Rio de Janeiro, those who are able to do this have an additional expense put on their goods for this dispatch-service; besides, the European steamers, in the interests of European commerce, tax a much higher rate of freight on United States goods between Rio de Janeiro and the Rio de la Plata than between Europe and Rio de Janeiro. That is, the freight charged by European steamers on boxes of United States merchandise between Rio de Janeiro and the Rio de la Plata, commercial cities, is more than half the amount charged on similar freight from Liverpool to Rio de Janeiro, though the distance between the former points is not more than one-fifth of the distance between the two latter places. The magnitude of this Rio de Janeiro barricade must be obvious to all who will give it consideration. It is too intolerable to be long endured.

But what is the inducement to the action of government to aid in the extension of our steam transit to the Rio de la Plata? The numbers of people living in this part of Atlantic South America cannot vary much from three millions. The trade of these people, almost entirely concentrated at Monte Video and Buenos Ayres, is about \$80,000,000 in gold per annum. At this time the United States have about one-tenth of this trade. This proportion would be speedily changed greatly in our favor, could the New York line of steamers be extended to Montevideo and Buenos Ayres. The products of the Rio de la Plata are now readily transported to the United States by sail-vessels, and lumber, flour, petroleum, and some other coarse freight can be successfully shipped by the same class of vessels to the Rio de la Plata. But our manufactured articles, our agricultural tools and machinery, the compact and valuable packages of goods, the numerous "specialties," in the production of which American ingenuity so much excels, direct and regular steam transit is indispensable. As our steamers make the passage of five thousand four hundred miles from New York to Rio de Janeiro, why should they not continue the other one thousand and thirty miles to Montevideo and one thousand one hundred and fifty miles to Buenos

Ayres! Why the transit of five-sixths of the distance, and the omission to make the other sixth of the transit to the three millions of people of the Rio de la Plata, who consume a greater *pro rata* of such articles as we produce than the people living nearer the Equator? Perhaps it may be said that the same reasons for the extension of our steam line to Montevideo and Buenos Ayres would require its continuance up the Parana, Paraguay, and the Uruguay Rivers. This is an error. Already the means of steam transportation up the Rio de la Plata and its tributaries are thoroughly supplied, and not organized adversely to the interests of the United States.

Far up into southern Brazil, two thousand miles above Montevideo, run regularly light-draught steamers, and thus the entire commerce, export and import, of the Argentine Republic, Paraguay, Uruguay, and the southern provinces of Brazil are concentrated at Buenos Ayres and Montevideo, and there transshipped to ocean vessels, and in no respect would there be any discrimination against ocean transit in the United States steamers. It would result, then, that if the link is supplied between Rio de Janeiro and the two great commercial ports of the Rio de la Plata, that we should have a complete chain of organized steam-transport of eight thousand miles from New York to the province of Matto Grosso, far up the River Paraguay in southwestern Brazil. Shall that link remain unsupplied, and the commercial barricade remain at Rio de Janeiro, when it can be filled at one-fourth of the expense to the United States Government that it now costs to maintain the line from New York to Rio de Janeiro? Clearly the imperative interests of our commerce demand a semi-monthly line of superior steamers, equal to those of the Gallison line, between New York and the Rio de la Plata. But the immediate extension of the monthly line to Buenos Ayres is necessary to enable American trade to break through the wall at Rio de Janeiro, which shuts our citizens from the commerce of three millions of people. The completion of numerous lines of railway now under construction in the Argentine Republic and Uruguay is tending largely to increase the trade and population of Montevideo and Buenos Ayres, the former now of a population of one hundred thousand, and the latter of two hundred thousand population, and the citizens of the United States should place themselves at once in more intimate relations with them, and it should not be forgotten that in these Rio de la Plata countries, with a vast fertile territory and a genial climate is growing up a vigorous and spirited people, whose commercial wants are rapidly on the increase, and whose institutions more contact with us could not fail to stimulate and improve.

I have, &c.,

JOHN L. STEVENS.

V E N E Z U E L A .

No. 500.

Mr. Pile to Mr. Fish.

No. 7.]

LEGATION OF THE UNITED STATES OF AMERICA,
Caracas, October 22, 1871. (Received November 22.)

SIR: I inclose herewith copy of a decree issued by this government

declaring a blockade of the mouth of the Orinoco River. I doubt if the government will be able to make this decree legal by stationing an effective naval force at the mouth of the river. Of this I shall be better informed after the arrival of the next steamer from Trinidad, and will promptly report the facts to the Department.

I have, &c.,

WM. A. PILE.

[Inclosure in No. 7.—Translation.]

José Ignacio Pulido, the designated' encharged with the Presidency of the United States of Venezuela, in use of the faculties with which he was invested by the congress of plenipotentiaries, decrees:

ARTICLE 1. In consequence of the occupation of Ciudad Bolivar by the revolutionists, the navigation of the waters of the Orinoco River is prohibited, and a blockade of the coast into which its mouths open is instituted.

ARTICLE 2. The necessary naval force to make this blockade effective is destined for it.

ARTICLE 3. The commanders of the blockading ships will proceed, with regularity, in accordance with ordinances of March 30, 1822, and the following dispositions, viz:

1st. The ships that depart from their ports in Europe during the two months counted from this date; those that proceed from the United States of North America during one month counted from this date; those that proceed from the Antilles, except Curacao and Trinidad, during fifteen days from the same date; and those departing from Trinidad, Curacao, and Demerara, until the day in which their respective authorities shall be notified of this blockade, that enter these waters, whose coasts are blockaded, will be notified by the blockading ships that they cannot pass the line of blockade, and when they insist on continuing in these waters they will have to be considered in violation of the blockade.

2d. The ships to which the preceding article refers will be notified at the time of this first notification that, in accordance with the provisions of article 21 of the third law of the code of Hacienda, they will be permitted to enter and discharge their cargo in any other port of the republic not occupied by the revolutionists, if they so desire.

3d. The times mentioned in disposition No. 1 of this article having transpired, all ships entering into the waters of the blockaded coast will be considered as having been notified, and will be sent in custody to the marine court at Porto Cabello.

ARTICLE 4. This decree will be communicated to whom it concerns, and the minister of war and marine will have charge of its publication and execution.

Given in Caracas, 2d day of October, 1871—eighth of the law and thirteenth of the federation.

J. I. PULIDO,

The Minister of War and Marine.

MIGUEL A. OLIVO,

The Secretary of Marine ad interim.

L. AGÜERO.

A copy:

A copy: GUZMAN.

No. 501.

Mr. Pile to Mr. Fish.

No. 44.] LEGATION OF THE UNITED STATES OF AMERICA,
Caracas, May 8, 1872. (Received May 21.)

SIR: I have received from the minister of foreign relations official copy of decree removing the blockade from the mouth of the Orinoco and adjacent coast. A printed copy of this decree, with translation, is herewith inclosed.

I have, &c.,

WM. A. PILE.

[Inclosure "1" in No. 44.—Translation.]

Juan Bautista Garcia, encharged with the Presidency of the United States of Venezuela:

The forces of the government having recovered Ciudad Bolivar and freed the state of Guayana from enemies, it is therefore decreed:

ARTICLE 1. That the waters of the Orinoco in all their extensions, embracing all its mouths as far as Ciudad Bolivar, be opened to general commerce, and the blockade on the coast of the same river suspended; and in consequence, the decree of October 2, 1871, that established such blockade is abrogated.

ARTICLE 2. The minister of war and marine will be charged with the execution of this decree and of communicating it to whom it may concern.

Given in Caracas 4th of May, 1872, ninth of the law and fourteenth of the federation.

JUAN B. GARCIA.

Minister of War and Marine.

JUAN T. PEREZ,

No. 502.

Mr. Pile to Mr. Fish.

No. 50.] LEGATION OF THE UNITED STATES OF AMERICA,
Caracas, June 8, 1872. (Received June 20.)

SIR: The steamer Virginius under the United States flag arrived at Puerto Cabello about May 16. On her arrival I was notified by the United States consul at Puerto Cabello that the commander of the Spanish man-of-war Arapiles threatened to capture the Virginius and sink her. I was also informed by the minister of foreign relations (see inclosure A) that the Venezuelan authorities had been asked to detain the vessel. Under these circumstances I instructed the consul as set forth in my answer to the note of Minister Guzman, (see inclosure B.)

On the 24th of May the United States steamer Shawmut arrived at La Guaira from Ciudad Bolivar. Captain Potter, commanding the Shawmut, after visiting this city and conferring with me, proceeded with the Shawmut to Puerto Cabello, intending to convoy the Virginius to the high seas in case she desired to depart from that port.

Mr. Manuel Quesada, who in some way represents the owners of this vessel, is here endeavoring to negotiate a sale to the government of Venezuela. If he succeeds, this will relieve the United States authorities from any further trouble in protecting the Virginius. If the sale is not made and no instructions are received from the United States in reference to the Virginius, she will be allowed to leave Puerto Cabello upon any legal voyage whenever her captain desires to do so, and in case she is molested in or near the waters of Venezuela, the necessary protest will be made and the facts reported to the Government.

I have, &c.,

WM. A. PILE.

[Inclosure A in No. 50.—Translation.]

Mr. Guzman to Mr. Pile.

UNITED STATES OF VENEZUELA,
MINISTRY OF FOREIGN RELATIONS, BUREAU 2, No. 33,
Caracas, May 20, 1872.

SIR: By reason of the arrival of the steamer Virginius at Puerto Cabello, Mr. Cologan, encharged *ad interim* of the Spanish legation, has inclosed to me copy of a note of the commander of the Spanish war-frigate Herona, anchored in La Guaira, with the principal object that the government should detain or embargo the Virginius in

the port in which she is now anchored in order to prevent her departure until the maritime squadron of his flag, that is now in the same waters, shall receive orders and instructions from the government of Madrid on this particular case.

Venezuela desires, as is just and regular, in all her relations with the government of His Catholic Majesty, always to fulfill with fidelity the treaties that bind the two governments, but in according the detention or embargo of the *Virginius*, the government ought to attend with the same spirit of loyalty to its compromises with the Government of the United States of America; and as your excellency has pleased to inform me in personal conference to-day that you had already given orders and instructions to the North American consul in Puerto Cabello, in reference to the detention and departure of the *Virginius*, in her quality as a ship under the American flag, it is my duty to direct this note to your excellency, to prevent all collision between the resolutions of the government and the orders which your excellency has given, avoiding in this manner all contradiction from which a question could arise with the Government of your excellency, whose friendship this republic appreciates as much as it owes to that of His Catholic Majesty.

I hope that your excellency in reciprocity to these sentiments will please inform me of these orders and instructions which will be the expression of your views in the matter.

Accept, your excellency, the protestation of my most high consideration.

ANTONIO L. GUZMAN.

[Inclosure B in No. 50.]

Mr. Pile to Mr. Guzman.

LEGATION OF THE UNITED STATES OF AMERICA,

Caracas, May 20, 1872.

SIR: I have the honor to acknowledge the receipt of the note of your excellency of this date, stating that in consequence of the arrival of the steamer *Virginius* at Puerto Cabello, and certain representations made to your excellency by the commandante de la fragata Española la *Gerona*, and Mr. Cologan, in charge of the Spanish legation, in reference to said steamer, and in order to avoid all collision between the government of Venezuela and any instructions I may have given to the consul of the above-named port, your excellency is pleased to ask to be informed of the character of such orders and instructions.

In reply I have the honor to state that the United States consul at said port reports to me that the *Virginius* is an American steamer, with all her papers in perfect and legal order, and he is consequently instructed as follows:

1st. That in case any attempt is made to capture her at that port, or within Venezuelan waters, he is to protest against such attempt and ask the protection of the authorities, civil and military, at that port for said steamer.

2d. That if the said steamer *Virginius* desires to leave the port of Puerto Cabello upon a legal and regular voyage, without any evidence that she has on board articles "contraband of war," or intends any illegal act against the government of Spain, he is to give his consent (so far as that is required) and ask the consent of the local authorities for her departure.

3d. That because of representations in relation to, and accusations of illegal intentions made against this steamer, he is to exercise due care not to give his sanction nor ask the protection of the local authorities, nor their consent for her departure from that port carrying articles "contraband of war," designed for the revolutionists in Cuba, nor upon any illegal expedition to said island.

I have the honor to renew to your excellency the assurances of my high consideration.

WM. A. PILE.

No. 503.

Mr. Fish to Mr. Pile.

No. 39.]

DEPARTMENT OF STATE,

Washington, June 22, 1872.

SIR: Your dispatch No. 45, of the 16th ultimo, upon the subject of Miguel Felipe and Bartholome Antich, natives of Venezuela, but natu-

ralized in this country, has been received. The course taken by you in regard to the matter is approved. The Venezuelan minister for foreign affairs, however, seems to have mistaken the meaning of the clause of the constitution of that republic to which he refers as justifying their claim to jurisdiction over those persons. That clause merely affirms a truism contained in many other constitutions, and founded upon public law, that all persons born in a country are to be regarded as citizens thereof. It does not deny the right of expatriation, as the minister appears to suppose. Few governments now make such a denial, and the Department is not aware of any law of Venezuela which prohibits emigration from that country and naturalization elsewhere. If, however, as appears to be the case, the persons referred to propose to return to the United States, that step, if carried into effect, would relieve us from further controversy in regard to their particular case.

I am, &c.,

HAMILTON FISH.

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